HOUSE OF REPRESENTATIVES—*Monday, May 7, 1990*

The House met at 12 noon and was called to order by the Speaker pro tempore [Mr. GRAY].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 7, 1990.

I hereby designate the Honorable WILLIAM H. GRAY III to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Teach us, O gracious God, to see the world not only with the excuses that we so easily recall, but to face our world and our lives with the perspective of the personal responsibility that You have given to us. Holy God, as You have created each of us with responsibility for all we do, may we use that responsibility in ways that serve all humankind. Amen

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Arizona [Mr. KYL] please come forward and lead the House in the Pledge of Allegiance?

Mr. KYL led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 490. Joint resolution commemorating May 18, 1990, as the 25th anniversary of Head Start.

The message also announced that the Senate had passed a bill and joint resolution of the following titles, in which the concurrence of the House is requested:

S. 1846. An act to make miscellaneous amendments to Indian laws, and for other purposes; and

S.J. Res. 246. Joint resolution calling upon the United Nations to repeal General Assembly Resolution 3379.

ANNOUNCEMENT OF PROCEDURES BEFORE COMMITTEE ON RULES REGARDING H.R. 770, FAMILY AND MEDICAL LEAVE ACT OF 1989

Mr. FROST. Mr. Speaker, this is to notify Members of the House of the Rules Committee's plans regarding H.R. 770, the Family and Medical Leave Act of 1989. The committee is planning to meet on Tuesday, May 8, 1990, at 2 p.m. to take testimony on the bill. In order to assure timely consideration on the bill on the floor, the Rules Committee is considering a rule that may limit the offering of amendments.

Any Member who is contemplating an amendment to H.R. 770 should submit, to the Rules Committee in H-312 in the Capitol, 35 copies of the amendment and a brief explanation of the amendment no later than 6 p.m. on Monday, May 7, 1990.

We appreciate the cooperation of all Members in this effort to be fair and orderly granting a rule for H.R. 770.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
May 4, 1990.

Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in clause 5 of rule III of the Rules of the U.S. House of Representatives, the Clerk received at 10:30 a.m. on Friday, May 4, 1990 the following message from the Secretary of the Senate: That the Senate passed without amendment H.R. 3802.

With great respect, I am

Sincerely yours,

DONNALD K. ANDERSON,
Clerk, House of Representatives.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker signed the following enrolled bills earlier today:

H.R. 1472. An act to establish the Grand National Recreation Area in the State of Michigan, and for other purposes; and

H.R. 3802. An act to designate May 1990 as "Asian/Pacific American Heritage Month."

THE FAMILY AND MEDICAL LEAVE ACT

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, this is a wonderful week in which we will really be able to test whether we are or are not a kinder and gentler Nation. We are going to be taking up the Family and Medical Leave Act, and what we will be doing, if we pass that act, is catching up with every other western industrialized nation.

Mr. Speaker, all this bill will do is give 12 weeks of job protected leave to a young woman or man upon the birth or adoption of a baby to try and solidify that family.

My colleagues, we in America must deplore the fact that our families are breaking apart at a 100-percent faster rate than any other country and that we are not doing something about allowing our families the time to bond together. Every country has done this.

If we pass this act, we will still be doing less than every other country, but at least we will be trying to help young families start building before it all tumbles.

So, Mr. Speaker, I really hope Members pass this legislation. We must catch up. We are in this global economy where we are going to have to have that, and I think we can no longer tolerate the drug rates and crime rates in this country without dealing with the very root cause of what is driving them, as we have seen by study after study.

LATVIANS JOIN THE RANKS OF THOSE WHO PRESS FOR TRUE SELF-DETERMINATION

(Mr. BEREUTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, 1989 was a remarkable year—one that witnessed the nations of Central and Eastern Europe cast off the totalitarian dictators who have ruled for over four decades. One by one, Poland, East Germany, Czechoslovakia and the rest embraced democracy and respect for basic human rights. It was a force that could not be stopped.

The year 1990 is provding to be no less remarkable. The Baltic States that were illegally seized by the Soviet Union in 1940 have pushed ever further toward independence. Lithuania, as we all know, has pressed its claim forcefully, and has sought to compel the Soviet Union to grant independence. While less immediate in the details of their demand than Lithuania, Estonia has similarly expressed its clear intention on independence from the Soviet Union. And, last Thursday, May 3, the duly elected Latvian Parliament voted 138 to 0 to declare itself "an independent democratic republic."

The people of Latvia have made it clear that they do not seek confrontation or violence—they wish nothing more than to be free. Latvia's President, Mr. Anatolijis Gorbunovs, has indicated his desire to negotiate a separation from Moscow. He had made it clear that they do not wish to disrupt the East-West dialog. Latvia does not want to push Mr. Gorbachev into a corner and force him to lash out in violence. But they have an unquenchable thirst for freedom. They will no longer be satisfied to take their orders from Moscow.

Mr. Speaker, this Member congratulates the people of Latvia on the occasion of their declaration of independence. Certainly it is clear that the very best wishes of Members of the Congress of the United States enthusiastically go to the Latvian Parliament, which has taken this courageous and unanimous vote, as well as to Latvia's President—the Honorable Anatolijis Gorbunovs. It is this Member's most sincere desire that a negotiated but expedited separation from the Soviet Union can be reached, so that true self-determination for this tiny Baltic State will be restored. All of America wishes them well, but this Member extends the special enthusiasm and support from the strong and significant community of Latvian-Americans in Lincoln, NE.

□ 1210

CHAIRMAN ANNUNZIO PROMOTES COLUMBUS COIN FOR YOUNG SCHOLARS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, as the Members know, I have sponsored legislation to honor the greatest explorer in history, Christopher Columbus. More importantly, however, the Christopher Columbus Coin and Fellowship Act legislation will create scholarships to assist new explorers in their search for discoveries which can benefit mankind.

More than half the Members of the House have joined me in sponsoring this bill. Any member who has not signed on is certainly welcome to do so. I hope the House Subcommittee on Consumer Affairs and Coinage, which has already held a hearing on the legislation and at which I testified, will act on the bill shortly and send it to the full Banking Committee for approval. There is no doubt in my mind that the legislation will reach the House floor rapidly and be sent to the Senate where I believe positive action should be taken. The bill would then be sent to the White House for President Bush's signature.

Mr. Speaker, I urge enactment of this legislation which will commemorate the 500th anniversary of the arrival of Columbus in America. The importance of this Italian's discoveries cannot be overstated. Before his discovery, Europe placed its focus on the East. Afterwards, the emphasis was to travel to the West.

There have been many arguments over whether Columbus was the first to reach the New World or whether Etruscans, Phoenicians, Norsemen, or others were the first to come and even settle. Similarly, there are arguments over where Columbus first stepped ashore in the New World.

All these arguments miss what made Columbus' discovery so momentous. It was Columbus' discovery alone which led others to follow in his footsteps, to change the focus on Europe from East to West.

A significant element of the legislation is the funds it will raise for the nonpartisan Christopher Columbus Foundation which will award fellowships to explorers in all fields. The hardest part of the journeys of Columbus was not the sailing but the arranging of the financing for the trips. The Columbus Fellowships will help new explorers who need financial aid.

Our Nation's first commemorative coin was struck in honor of Columbus. It is only fitting that the 500th anniversary of his discovery of America be noted by the striking of a coin which will reward scholars who also want to make their mark on the world.

Mr. Speaker, the legislation calls for the minting of 11 million coins—1 million gold $5 pieces, 4 million silver dollars, and 6 million clad half dollars. The coins will be dated 1991 and 1992, with different designs the second year. The trade publication on coinage, Numismatic News, believes the legislation could well create the largest commemorative issue of coins in history. It is my calculation that if all the coins are sold, more than $69 million would be raised for the Columbus Fellowship Foundation.

The United States is the most innovative country in the world. We have the best thinkers. We have the most creative thinkers. But the gap between us and the rest of the world is narrowing. We must maintain our edge. The Columbus Fellowships are one way to do so. The fellowships will support those individuals whose work may lead to new discoveries in medicine, electronics, engineering, chemistry, or whatever field or profession they choose.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. KYL) to revise and extend his remarks and include extraneous material:)

Mr. EMERSON, for 60 minutes, on May 16.

(The following Member (at the request of Mr. SKAGGS) to revise and extend his remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. KYL) and to include extraneous material:)

Mr. GINGRICH.

Mr. BEREUTER, for two instances.

(The following Members (at the request of Mr. SKAGGS) and to include extraneous material:)

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. COLEMAN of Texas.

Mr. TORRICELLI.

Mr. BONIOR.

Mr. DONNELLY.

SENATE JOINT RESOLUTION REFERRED

A joint resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 246. Joint resolution calling upon the United Nations to repeal General Assembly Resolution 3379; to the Committee on Foreign Affairs.

ENROLLED BILLS SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported

that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1472. An act to establish the Grand National Recreation Area in the State of Michigan, and for other purposes; and

H.R. 3802. An act to designate May 1990 as "Asian/Pacific American Heritage Month."

ADJOURNMENT

Mr. SKAGGS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 10 minutes p.m.), the House adjourned until tomorrow, Tuesday, May 8, 1990, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3123. A letter from the Director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of April 1, 1990, pursuant to 2 U.S.C. 685(e) (H. Doc. No. 101-189); to the Committee on Appropriations and ordered to be printed.

3124. A letter from the Assistant Secretary (Civil Rights), Department of Education, transmitting the annual report summarizing the compliance and enforcement activities of the Office for Civil Rights and identifying significant civil rights or compliance problems, pursuant to 20 U.S.C. 3413(b)(1); to the Committee on Education and Labor.

3125. A letter from the Attorney General, Department of Justice, transmitting a copy of a report entitled, "Missing, Abducted, Runaway, and Thrownaway Children in America"; to the Committee on Education and Labor.

3126. A letter from the Chairman, National Foundation on the Arts and the Humanities, transmitting a draft of proposed legislation to amend the National Foundation on the Arts and the Humanities Act of 1965, as amended, and for other purposes; to the Committee on Education and Labor.

3127. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed agreement for the manufacture of a modular air delivered weapon system in Taiwan (Transmittal No. MC-1-90), pursuant to 22 U.S.C. 2776(d); to the Committee on Foreign Affairs.

3128. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed authorization for the export of defense articles and defense services sold commercially under a contract in the amount of $50,000,000 or more (Transmittal No. MC-4-90), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs. May 7, 1990.

3129. A letter from the Director, Defense Security Assistance Agency, transmitting a report of enhancement of upgrade of sensitivity of technology or capability for the Government of the Netherlands (Transmittal No. A-90), pursuant to 22 U.S.C. 2776(b)(5)(A); to the Committee on Foreign Affairs.

3130. A letter from the Director, Defense Security Assistance Agency, transmitting a report of enhancement or upgrade of sensitivity of technology or capability for Saudi Arabia (Transmittal No. C-90), pursuant to 22 U.S.C. 2776(b)(5)(A); to the Committee on Foreign Affairs.

3131. A letter from the Director, Defense Security Assistance Agency, transmitting a report of enhancement or upgrade of sensitivity of technology or capability for Spain (Transmittal No. B-90), pursuant to 22 U.S.C. 2776(b)(5)(A); to the Committee on Foreign Affairs.

3132. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions by Peter Jon De Vos, Ambassador Extraordinary and Plenipotentiate to the Republic of Liberia, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

3133. A letter from the Secretary of State, transmitting the Department's second report on United States-Soviet reciprocity in matters relating to Embassies, pursuant to 22 U.S.C. 4301 nt.; to the Committee on Foreign Affairs.

3134. A letter from the Chairman, Architectural and Transportation Barriers Compliance Board, transmitting an audit of the Access Board's internal administrative practice for fiscal year 1985-88, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

3135. A letter from the Administrator, Environmental Protection Agency, transmitting the 1988 national water quality inventory report, pursuant to 33 U.S.C. 1315; to the Committee on Public Works and Transportation.

3136. A letter from the Secretary of Labor, transmitting a draft of proposed legislation to amend the Stewart B. McKinney Homeless Assistance Act to extend the Job Training for the Homeless Demonstration Program, and for other purposes; jointly, to the Committees on Banking, Finance and Urban Affairs and Education and Labor.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HAMILTON: Joint Economic Committee. Report of the Joint Economic Committee on the 1990 Economic Report of the President (Rept. 101-475). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on the Judiciary. H.R. 237. A bill to implement the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and Their Destruction, by prohibiting certain conduct relating to biological weapons, and for other purposes; with an amendment (Rept. 101-476). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEES

The Committees on Agriculture and Merchant Marine and Fisheries discharged from further consideration of H.R. 4610; H.R. 4610 referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASPIN (for himself, Mr. DICKINSON, Mr. MAVROULES, Mr. HOPKINS, Mr. SKELTON, Mr. BATEMAN, Mr. MCCURDY, Mrs. LLOYD, Mr. SISISKY, Mr. RAY, Mr. SPRATT, Mr. ORTIZ, Mr. DARDEN, Mr. PICKETT, Mr. LANCASTER, Mr. BILBRAY, Mr. TANNER, and Mr. MCNULTY):

H.R. 4736. A bill to reduce the number of reports that the Department of Defense is required by law to submit to Congress, and for other purposes; to the Committee on Armed Services.

By Mr. KASTENMEIER:

H.R. 4737. A bill to amend title 28, United States Code, with respect to habeas corpus, and for other purposes; to the Committee on the Judiciary.

By Mr. SHAW (for himself, Mr. HANCOCK, Mr. EMERSON, Mr. CRAIG, Mr. BUECHNER, Mr. PICKETT, Mr. LAUGHLIN, Mr. DANNEMEYER, and Mr. HUBBARD):

H.J. Res. 564. Joint resolution proposing an amendment to the Constitution of the United States to prohibit the Supreme Court or any inferior court of the United States from ordering the laying or increasing of taxes; to the Commitee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII,

382. The SPEAKER presented a memorial of the Senate of the State of New Hampshire, relative to Lithuania; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 173: Mr. MATSUI, Mr. CHAPMAN, Mr. MARTIN of New York, Mr. HORTON, Ms. KAPTUR, Mr. LEHMAN of Florida, Mr. GILLMOR, Mr. MOORHEAD, Mr. GINGRICH, Mr. BROWN of Colorado, Mr. ANDREWS, Mr. KASICH, and Mr. COURTER.

H.R. 286: Mr. BURTON of Indiana and Mr. COMBEST.

H.R. 726: Mr. BUECHNER.

H.R. 848: Mr. NIELSON of Utah.

H.R. 1248: Mr. FEIGHAN.

H.R. 1390: Mr. SHAYS.

H.R. 2608: Mr. LEWIS of Georgia.

H.R. 3037: Mr. STENHOLM, Mr. MFUME, Mr. DURBIN, Mr. STEARNS, Mr. BOUCHER, Mr. KOSTMAYER, Mrs. SCHROEDER, Mr. NEAL of Massachusetts, Mr. TORRES, Mr. SERRANO, Mr. LIPINSKI, Mr. PAYNE of New Jersey, Mr. JOHNSTON of Florida, Mr. CAMPBELL of Colorado, Mr. SKAGGS, Ms. OAKAR, and Mr. BILBRAY.

H.R. 3368: Mr. CAMPBELL of Colorado, Ms. KAPTUR, Mr. WEISS, Mr. ATKINS, Mr. ESPY, Mr. SIKORSKI, and Mr. JOHNSON of South Dakota.

H.R. 3440: Mr. FALEOMAVAEGA.

H.R. 3705: Mr. SIKORSKI.

H.R. 3833: Mr. FEIGHAN.

H.R. 3948: Mr. JONTZ, Mr. BILBRAY, Mr. IRELAND, Mrs. COLLINS, Mr. POSHARD, Mr. LEWIS of Georgia, and Mr. THOMAS A. LUKEN.

H.R. 3979: Mrs. JOHNSON of Connecticut.

H.R. 4147: Mr. COYNE.

H.R. 4266: Mr. WOLF.

H.R. 4470: Mr. MINETA.

H.R. 4494: Mr. KANJORSKI, Mr. GALLEGLY, Mr. SPRATT, Mr. LAGOMARSINO, Ms. LONG, Mr. DEFAZIO, Mr. CONTE, Mr. PENNY, Mr. SOLOMON, and Mr. LEHMAN of California.

H.R. 4573: Mr. GALLO, Mr. MONTGOMERY, Mr. MCCURDY, Mr. LANCASTER, Mr. TALLON, Mr. SCHEUER, Mr. YATRON, Mr. MCEWEN, Mr. SHAYS, and Mr. POSHARD.

H.R. 4590: Mr. RANGEL, Mr. ESPY, Mr. KOLTER, Mr. APPLEGATE, and Mr. MFUME.

H.J. Res. 463: Mr. WILSON, Mr. COURTER, Mr. WEBER, and Mr. FORD of Michigan.

H.J. Res. 510: Ms. KAPTUR, Mr. STUMP, Mr. LANCASTER, and Mr. LEWIS of California.

H. Con. Res. 27: Mr. STUMP.

H. Con. Res. 184: Mr. WISE, Mr. BUSTAMANTE, Mr. MRAZEK, Mr. LIPINSKI, Mr. TOWNS, Mr. TORRICELLI, Mr. CHAPMAN, Mr. WOLPE, Mr. TRAXLER, Mr. HARRIS, Mr. JONTZ, Mr. HUGHES, Mr. LANCASTER, Mr. LEWIS of Georgia, Mr. FAWELL, Mr. SAVAGE, Mr. THOMAS A. LUKEN, and Ms. KAPTUR.

SENATE—*Monday, May 7, 1990*

(Legislative day of Wednesday, April 18, 1990)

The Senate met at 11:31 a.m., on the expiration of the recess, and was called to order by the Honorable JEFF BINGAMAN, a Senator from the State of New Mexico.

PRAYER

The Reverend John E. Stait, Office of the Chaplain, U.S. Senate, offered the following prayer:

Let us pray:

And in the first year of Darius the Mede, I arose to be an encouragement and protection for him.—Daniel 11:1 NAS.

Father in Heaven, it is so easy to think that only those who are known, chronological leaders are making history. But we consistently read throughout scripture that what Your sons and daughters were doing, quietly and faithfully with no fanfair or applause was what was really making history in antiquity.

Help us today on Capitol Hill to be Your servants. Help us know that no matter how insignificant others may make us feel, we are making history. That we might be an encouragement and protection to those we serve. Help us rest in the assurance that the record is being kept and our labor is not in vain. As it is written; "Yes," says the Spirit, "that they may rest from their labors, for their deeds follow with them."—Revelation 14:13 NAS. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 7, 1990.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEFF BINGAMAN, a Senator from the State of New Mexico, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. BINGAMAN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

THE JOURNAL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. MITCHELL. Mr. President, this morning, following the time for the two leaders, there will be a period for morning business not to extend beyond 12 noon with Senators permitted to speak therein for up to 5 minutes each.

At noon today, when the Senate resumes consideration of S. 135, the Hatch Act reform bill, under the provisions of the unanimous-consent agreement of last week, the following Senators will be recognized to offer amendments.

Senator DOLE will offer two amendments. Then Senator ROTH and Senator SIMPSON will offer one amendment each.

Any rollcall votes which may be needed to dispose of these listed amendments will not occur today but will occur tomorrow morning beginning at approximately 11:30 a.m.

Last Friday the Senate defeated by voice vote two amendments offered by Senator ROTH that were part of the above-mentioned consent agreement. Therefore, on Tuesday only the four amendments listed for today and any relevant second-degree amendments will require rollcall votes if needed to dispose of them.

It is my hope and intention, as I stated last week, to complete action on this bill as early as possible this week. That means that there is the possibility of late-night sessions beginning on tomorrow, should the necessity arise, in order for the Senate to complete its work on this important legislation. And I urge Senators to take that into account in preparing their schedules for the remainder of this week.

RESERVATION OF LEADER TIME

Mr. MITCHELL. Mr. President, I reserve the remainder of my leader time and I reserve all of the leader time of the distinguished Republican leader.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business not to extend beyond 12 noon today with Senators permitted to speak therein for not to exceed 5 minutes each.

EXTENSION OF MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the period for morning business be extended until 12:30 p.m.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MOYNIHAN. Mr. President, in view of the hour, I ask unanimous consent that I might proceed as if in morning business for 10 minutes.

The ACTING PRESIDENT pro tempore. The Senate is in morning business from now until 12:30.

Without objection, the Senator may proceed.

Mr. MOYNIHAN. I appreciate that.

THE DEFICIT

Mr. MOYNIHAN. Mr. President, the Senate and the public generally will have seen accounts of the meeting which took place yesterday at the White House among mainly the President, his principal advisers, Mr. Sununu, Mr. Darman, Secretary of the Treasury Brady, and the Senate leaders and House leaders of the Democratic and Republican sides equally.

The announcement in the press is that President Bush and Hill leaders agree to pursue deficit talks. This comes as a change in the position of the administration. The effective position was that there was nothing to talk about. It comes in response at least to two things.

The first is the realization sinking in at the administration and widening in the Nation itself that the budget deficit is in fact much higher than is admitted, much higher than is depicted in the Gramm-Rudman-Hollings discourse or in the President's budget message to us; that as Mr. Stockman said in 1983, the budget deficit is "$200 billion as far as the eye can see." We have, in fact, a $200 billion deficit now rising to about $270 billion at the end of the decade.

The deficit is compounding because the debt is compounding. We tripled the national debt in 8 years. In those 8 years the previous administration borrowed in constant dollars 85 percent of the amount of money borrowed in the Second World War, such a large sum that it now takes nearly half the income tax to pay the debt. More graphically, Mr. President, particularly from your part of the world, it takes all of the income tax collected west of the Mississippi River to pay the interest on the debt now. That is the legacy of the 1980's, the largest transfer of wealth from labor to capital in the history of our political economy. We tax persons' incomes that they acquire by work, and we pay it to bondholders who typically have had the capital which they invested in Treasury securities and receive the interest as return on capital, which is to say wealth from labor to capital, the largest in our history.

The second reason we suddenly have an administration prepared to have talks is that the deficit is even larger than was anticipated. The return of the revenue from the corporate income tax is not what it was expected to be, and there are other factors that I am sure the Senate is familiar with, including the prospect that interest rates will be higher than the rosy scenario usually depicted them as being.

I suggest, Mr. President, there is a much larger overriding fact, and that is the administration is beginning to understand that the Congress may not be willing to let the administration continue to use the revenues of the Social Security system as if they were taxes collected for general purposes. They are not. If anyone would bother to look at their paycheck, they will see a line for the income tax and they will see a line marked FICA. That stands for Federal Insurance Contributions Act.

Those are contributions to a retirement and survivors trust fund, and a disability trust fund. Those are insurance premiums. They are not general revenue. And yet, Mr. President, they are being used as if they were.

The misuse of the trust funds is the most egregious breach of trust with which this Government has involved itself in as long as anyone can recall. It is a new subject. We are learning the subject. There has never been a major surplus in these trust funds. They were a pay-as-you-go system for decades.

In that year, here on this floor, and in the House, we put in place a series of rate increases, the last one of which took effect on schedule on January 1 of this year, which would produce a partially funded system. We would, in fact, save against future, try to create wealth that would throw off income when needed at a time in the third decade of the next century when there will be only three workers actively contributing to the Social Security trust fund for every one retired person.

It is a technicality, but not an inextricably complex one. The technicality is, the only way money can be saved, in an economic sense, is to have a current operating budget that is balanced, such that the Social Security surplus buys down the privately held Treasury debt. That in turn translates into saving in the private sector.

Now, the power of these surpluses, the size—not only the surplus, but the size, Mr. President—the Social Security surplus is now rising at $1 billion a week. By 1995, it will be rising at $2 billion a week. By the year 2000, $4 billion a week; until the year 2015, $8 billion a week.

At the same time, there are certain costs in Government that are going down, principally the military. As the cold war concludes, the Warsaw Pact has disappeared, any country which, has, as we do, 323,000 persons in 14 NATO countries, is going to see that decline.

I point out sir, that the 250th largest school district in the United States is actually located in West Germany, the Federal Republic of Germany.

Those costs are going down. This morning we learned that the most respected chairman of the Joint Chiefs, Gen. Colin Powell, is talking about a time when the military will have a budget a quarter less than it does now.

Now, the combination of a declining defense outlay and a rising Social Security surplus clearly impressed itself on the administration earlier this year, or late last year, I should say. When the administration came to office, they let it be known, they asked for the term slide-by budget, the one that was introduced in January 1989. Get that out of the way. We will have major talks for a grand accord before the calendar year 1989 was over.

But, then the slide-by budget slid by, and there were no talks, no discussions of any kind. A few meetings about the budget agreement, but no effort to put our finances in order.

Why? Well, I do not know and I do not know that any of us does; and I am not sure in the administration they have ever reached a moment of decision. But, surely the basic fact is they saw that the Social Security surpluses, if they could be used as if they were tax revenues, would enable the administration to say they kept a pledge of no new taxes; would, in the phrase of George Will, rent the White House well into the next century.

Well, one does not blame people who see their opportunities. The only blame attaches with those who do not recognize what is going on.

And so, at the end of the last year, Mr. President, I said that we would do what, over and again in 1988 and 1989, the Subcommittee on Social Security heard should be done if the Social Security surpluses are not saved. If they are not saved, they should be returned to the people who pay them, the employers as well; for the simple reason that they are not there as general revenue.

Now, over and again we had the GAO, the General Accounting Office, come and tell us this is what we should do. We had immensely able public men, such as former Chief Actuary, Robert Myers, who was the executive director of the National Commission on Social Security Reform, 1982–83, who said these revenues are not going to be saved so go back to pay-as-you go.

Well, it became clear that the use of these revenues as if they were general revenue and not insurance premiums was going to be challenged in the Senate, as it will be by myself, by others. It has been made clear in the House, as the distinguished Member of the House leadership has said, that if the issue were to come to the House from the Senate, there would be 400 votes for it there.

Now, it is obviously beginning to be clear to the administration that they cannot depend on the unchallenged availability of Social Security premium moneys to be used as if they were general revenues of a general tax. And so they begin now, at long last, to say, "Shall we talk about the public finances?"

Well, fine. And you know it is what you would have hoped was going to happen last year. It did not. It may happen this year.

But, Mr. President, on this side, there was something disquieting in today's account of yesterday's meeting, to wit, that the issue of Social Security seems not to have been raised.

I would have hoped that on our part, the part of the Democratic leaders—and mind, I must say I do not know this to be the case, I only know what was reported—there was a clear caveat which was presented to the President and his advisers saying: Sir, you must know you cannot depend on the continued use of Social Security surpluses as general revenues for general purposes.

Mr. President, I observe the hour. I had asked for a lesser period in morn-

ing business but I also observe that no Senator is seeking recognition. I ask that I might continue as I am doing now.

The PRESIDING OFFICER (Mr. BURDICK). The Senator may continue.

Mr. MOYNIHAN. I thank the Chair.

Mr. President, that point needs to be made from the Senate floor, that any comprehensive budget summit must take into account the fact that there is growing judgment in this body and in the other body that there is a breach of trust involved in using trust funds as if they were revenues, general revenues, tax revenues, when they are a pension system, retirement system, insurance system against disability, and then death.

There was an occasion, Mr. President—I know the Presiding Officer will recall this—when Senator HEINZ from Pennsylvania, our good Republican colleague, was asked did he agree with a characterization I had made that what was going on was thievery. Actually that was a quote from the Rochester Democrat and Chronicle, an editorial about one of the hearings we had held in 1989 on this matter. And Senator HEINZ said: "No. Certainly not. What is going on is not thievery. What is going on is embezzlement."

We can have our choice of terms, but either way this is not something sustainable by a legitimate government, which ours is. You cannot embezzle trust funds.

Obviously, technically it would not be so, but Senator HEINZ was very clear that it is the equivalent of embezzlement in the private sector. Governments do not go to jail.

Although, I note, to this day, Mr. President, there are places for two public trustees on those trust funds. We created those public trustees in 1983. Those positions are vacant. The administration has not given us any names. Can it be they do not want public trustees because they might go public with what is going on? I do not want to characterize motives but, as I pointed out before on this floor, there are no public trustees, which is inexplicable and disquieting.

So I wish to say, Mr. President, as these talks go forward, the participants ought to have in mind that on this floor there will be a vote, and more than one, if need be, to return the Social Security surplus to the Social Security contributors.

There are many cases for this. The most important is simply the elemental matter: You do not abuse trust funds.

But there is another matter, too. Such a move would increase the disposable income of 132 million Americans by upwards of $600 a year. Millions and millions of two-earner families would see their income go up by as much as $1,200 a year. And beyond that, inasmuch as half the Social Security contribution is made by the employer—half employee, half employer—the half that comes from the employer is seen as a wage cost, and it is a wage cost. If that wage cost is cut I think the generality of economists would agree that the savings will be shared between employer and employee. Wages will go up.

It is not something we should ignore. Mr. President, it is strange and striking how much we do ignore the fact that median family income in the United States today is lower than it was 15 years ago. It is lower because the earnings have not increased and Social Security contributions have increased. Using the figures from a year ago, we can calculate the shortfall at $452 less than 15 years earlier. It is probably something less than that today. But, still, it is a period without equal in American history.

Never in our history have there been 15 years, a half a generation, in which the median family saw nothing improved in the way of its income. And that at a time, sir, when millions of wives went to work just to keep the family income where it had been. Last year factory wages were $20 a week less than they were in 1970 in real terms. We never had anything like that happen in our history. It is astonishing to contemplate.

I do not know what is more astonishing, the fact that this has happened or the fact that there is so little comment about it on the Senate floor and in the general political discourse of this time. We do not talk about it. It is because we do not know about it or we are ashamed about it? I do not know which, maybe both and maybe neither.

But, in that setting it really does devolve upon this body to ask, ought we to be using insurance contributions, collected on the first dollar of income but not collected at all after $51,300 of income, the most regressive of payments? If it were a tax it would be the most regressive tax conceivable. The poorest people pay as much as the richest people, and after a point people who are very well off pay nothing, they having paid up to their maximum.

As an insurance premium that is not regressive at all. You get what you pay for. But as a tax it would be intolerable. We amended the Constitution to establish a graduated income tax. Are we going to repeal it by the Social Security Amendments of 1977? We never intended anything of the kind. And that fact, it seems to me, is not the least important. Congress never meant these moneys to be used as revenues for general purposes of Government. They never had been and ought not to be now.

We are using $1 billion a week. And if that were not bad enough that we are using these revenues as if they were taxes, we learn in the morning's press that, and I will simply read the story by John Yang and Steven Mufson in the Washington Post which begins dealing with the idea that there will be no preconditions to these talks. It says:

> For the Democrats, no preconditions would mean a willingness to discuss such politically sensitive items as paring Social Security cost of living increases.

It goes on to say that Mr. Darman, the Director of OMB, has said there that such programs—and there are others, Medicare and farm subsidies—"are taking over the Federal budget."

Mr. President, there is a moment when patience is strained. The idea that the simple commitment that Congress made in 1972 to maintain the value of retirement benefit by adjusting it for cost of living is somehow taking over the Federal budget does not bear close scrutiny.

Here are the facts, Mr. President. We estimate that the 1991 Social Security cost-of-living adjustment will be 4.1 percent. That would come to $7.4 billion in a budget that will be $1.1 trillion or more, much less than 1 percent of the budget. It would be much less than one-tenth of 1 percent of the budget, but, in any event, Mr. President, paid for.

In fiscal year 1991, the Congressional Budget Office estimates that the Social Security surplus will be adding $76 billion to the revenues of the Federal Government, which are not meant to be tax revenues, but money does come into the Treasury. That is all after having paid for the cost-of-living adjustments. The cost-of-living adjustment, as the distinguished Presiding Officer well knows, is not an increase in benefits. It simply makes people whole. It simply offsets when otherwise there is a drop in benefits owing to a rise in prices.

If you come to 1 year, you say it only costs $7.4 billion; that is all we are taking out of the checks of the 39 million Social Security recipients. No, that money comes out every year for the rest of the lives of the pensioners. It is a base they do not have, and so it does not count in future increases. It is gone for good. It is next year, the year after that, the year after that, and the years that follow.

If that is what the budget summit is all about, getting agreement to reduce the cost-of-living adjustments for the Social Security retirees, I do not know whether we should go to such a summit. If the issue of the misuse—the term "embezzlement" has been used—of the trust funds is not to be discussed but, indeed, we are going to talk about how to increase the size, the amounts of moneys being so misused, what is that summit? Is it for us to say we will allow that to happen to

people whose trust we hold, to whom we have made a commitment?

No. From the first, let us be clear. Congress has stipulated in the Social Security Act that the terms of the Social Security payments, the various programs are subject to change and they have, indeed, been changed. But there is a profound moral assumption that the cost-of-living adjustments will be made so that benefits are not cut. Certainly, not as if there is a crises in the funds, we might have to do that and indeed we did for a 6-month period in 1983. We had to get out of a situation that required that kind of responsible judgment, and nobody objected. But now the funds are in enormous surplus and yet we want to cut benefits. That case to be made directly. If the President wants to make that case, he surely can do and has every right to do, and I, for one, would welcome it, to talk about it. But just to let it slide into the discourse on the grounds that the cost-of-living adjustment is taking over the budget? Nonsense, Mr. President.

Let us, by all means, proceed with these discussions but, let them be above board. Let it be understood that the use of Social Security revenues, as if they were general revenues, as if they were taxes—Social Security contributions are not taxes, and if they are going to be used as such, then everybody involved and responsible has to acknowledge what they are doing and admit what is going on. For my part, Mr. President, I do not think such a measure could be sustained. I do not think the American people want it. I think it is a breach of trust. I think it is a misuse of trust funds and abuse of trust funds.

My colleague from Pennsylvania, on the other side of the aisle, said it very well when he said it was not thievery, it was embezzlement. So I, Mr. President, hope that as these budget talks go forward there be some acknowledgment of what has been called embezzlement and no disguising of what is already an unsustainable, unsupportable practice.

Mr. President, I thank the Chair for its close attention, and seeing no Senator seeking recognition at this point, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LEAHY). Without objection, it is so ordered.

DEFICIT REDUCTION

Mr. DOLE. Mr. President, I wanted to comment very briefly on the meeting at the White House last night with four leaders and the President of the United States with reference to deficit reduction, or a so-called budget summit. That word "summit" is overused around here. But first I want to thank and applaud the President for calling us together, and then thank the participants: The Speaker, Congressman FOLEY; the Republican leader in the House, ROBERT MICHEL; our majority leader, my colleague, Senator MITCHELL; and myself; in addition, Secretary Brady; the OMB Director; Dick Darman; Chief of Staff John Sununu, and the President.

It is fair to say that, as has already been reported, if in fact there are negotiations, we first must have some agenda, we must have some goals. Why are we doing it? What is the purpose? It seems to me there are a lot of good reasons we could set out.

One, we are paying about $180 billion a year in interest. Two, we are worried about inflation. Three, we are worried about interest rates. Four, we are worried about a lot of trade problems. There are a number of reasons to try to get together.

So we need to outline our goals, how much we intend to reduce the deficit. There are all kinds of speculative numbers around, but maybe it could be a package as large as $155 billion, which is a lot of money, a lot of reduction, revenues or whatever.

We need to identify who will make up sort of the negotiating A team, which members of the House and Senate will sit down and really start the nitty-gritty work of going through the numbers, and then how we communicate to the rest of our colleagues on both the Republican and Democratic sides so that in addition to the three or four people we may have on the negotiating team, we are able to keep informed other Members who have very important roles to play in the final analysis, in the final product.

So, obviously, yesterday was an hour and a half meeting discussing generally if we wanted to do it, and tomorrow we will ask our Republican colleagues, I understand Senator MITCHELL will ask his Democratic colleagues, and I believe the answer will be in the affirmative; we need to do it.

The American people should be pushing us to sit down and make tough decisions about the deficit. We cannot continue to spend more money and more money and more money and run up the deficit. I hope that the American people will support us when we make some tough decisions and some tough votes.

I happen to think it is good policy and also good politics. And I say politics because this is an election year and the common wisdom around here is that you cannot do it because it is an election year. If we do it and do it fairly quickly, we could complete our action on all this before the August recess—it would seem to me the American people will have an opportunity to understand that we did do the right thing for the right reasons: We are concerned about their children and their grandchildren—then I believe we would have widespread support, bipartisan, nonpartisan support around the country.

So again I congratulate the President for taking the initiative, and I hope that it is just the first meeting in what may be a fruitful conclusion and a meaningful deficit reduction within the next few months.

Mr. President, I reserve the remainder of my time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GLENN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOUR YEARS AFTER CHERNOBYL

Mr. GLENN. Mr. President, I rise today to commemorate the victims of the explosion of the No. 4 nuclear reactor at Chernobyl, in the Ukraine, in Russia and to call on the Soviet Government to be forthcoming with information regarding the events surrounding this accident, especially regarding the health effects upon those people contaminated by radioactive fallout.

Four years ago last week, the No. 4 reactor at Chernobyl Nuclear Power Plant exploded, ejecting vast amounts of intensely radioactive fission products directly into the atmosphere. As a result, a large portion of the Ukraine as well as significant portions of Western Europe were contaminated with radioactivity.

While Soviet officials have stated that only 31 people were killed from the accident in November 1989, the newspaper Moscow News reported that 250 people who were at Chernobyl during or after the accident have died. In addition, the U.S. National Research Council has estimated that over 70,000 people can be expected to die from cancers caused by Chernobyl.

Over 12 million acres of land in the Ukraine, including some 8.6 million acres of agricultural land, have been heavily contaminated.

As many as 200,000 Soviet citizens have been evacuated from areas surrounding the crippled reactor because their homes have been contaminated. The Soviet Government has recently announced that 14,000 more people will be relocated out of that area, but 200,000 more are still living on land that is still significantly contaminated by radiation.

Mr. President, it is imperative that we learn from the events of Chernobyl. We are not just trying to castigate the Soviets. It is a terrible thing that happened there. We want to learn more about it. No one can promise absolutely that an event of Chernobyl proportions will not occur elsewhere in the world. Should another such disaster happen, the responding country would most certainly benefit from the Soviet Union's experience in the aftermath of the Chernobyl explosion. The world could benefit greatly by hearing about the cleanup and radiation isolation techniques the Soviets developed following Chernobyl. The health and epidemiological data gathered in the wake of this accident could help us understand the effects of radiation from any source, not only from accidents. That kind of information would allow us, for example, to refine models which predict cancer rates from exposure to radiation.

Mr. President, the Soviets have endured at least one other severe radiation accident—in the vicinity of Kyshtym in the Ural Mountains in 1957. I call upon the Soviet Government to make available further information regarding the radiological aftermath of this event as well. We know now that an explosion in a high-level nuclear waste tank at the nuclear weapon production facility released at least 20 million curies of radioactivity into the environment. We do not know the full impact of this accident on the area surrounding the facility nor its effect on the people who were contaminated. Since we have similar waste tanks at Hanford and Savannah River, such a disclosure would be helpful as we continue our oversight of these facilities.

Mr. President, the Ukrainian people have suffered more than any others and will continue to pay for the Chernobyl accident in terms of their health and livelihood for years to come. I believe it is imperative that my colleagues join me in urging the Soviet Government to do all it can to prevent future accidents by acting to lift the veil of secrecy from these past accidents. Putting glasnost into practice in this way helps mitigate the damage should such an accident again happen. By releasing all relevant data from Chernobyl and Khystym events, the Soviets have the opportunity to contribute significantly to a better understanding of radiation and its potentially deadly effects on us when accidents occur.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, today is the 1,878th day that Terry Anderson has been held captive in Lebanon. The question arises, How should this or any nation respond to such cruelty? Mr. President, for more than 200 years this Nation has been committed to the idea that nations must act with law on their side and not simply indignation in their hearts. Lately we have been drifting away from this notion. But, with the cold war coming to an end and a new era of violent ethnic conflict beginning, we must return to the idea that rules are needed to restrain the cycle of violence. Without such rules much of the world may come to resemble Lebanon.

Others have said that the plight of the American hostages in Lebanon is outrageous. It is. More to the point, however, it is illegal. I made this point last August 2 when Col. William R. Higgins was murdered. I made the same point last April 27 when I reminded my Senate colleagues that the Geneva Convention Relative to the Treatment of Prisoners prohibits "at any time and in any place whatsoever" the "taking of hostages." Israel in particular has an interest in making the rules of international law more, not less effective. Some Israelis have been held hostage for as long as 8 years without a word as to their whereabouts or safety. Thus, I am confident that Israel desires to support these norms. Prisoners may—indeed, should—be tried and punished for violating civilized norms. That is one way to strengthen the rules. Not every prisoner is a hostage. But, prisoners held for the express purpose of trading them for persons and other advantages are hostages and should be released.

PLAYING A PRUDENT GAME

Mr. HELMS. Mr. President, I have never met the new Governor of the Commonwealth of Virginia, L. Douglas Wilder, and I do not belong to the same political party. We are of different races. But judging by reports of his policies and statements, he is both wise and courageous in the manner he is searching for solutions to his State's economic problems. It may be that he is in the process of restoring some fundamental principles to not only his political party but to the political process itself, principles which both Democrats and Republicans in Congress should be embracing. As the first black Governor in the history of his State, Governor Wilder is a welcome contrast to some other leaders, white and black, around the country in both parties.

In a column published this morning, the respected syndicated columnist Donald Lambro began by saying that Governor Wilder "thinks his party might have more success in future Presidential elections if it begins emulating his commonsense, largely conservative approach to government."

Mr. President, the political easy way out these days is to demand that President Bush disavow his 1988 campaign commitment, "Read my lips, no new taxes." To my knowledge, Governor Wilder has made no such demand. Instead, the Governor of Virginia has eloquently condemned the tax-and-spend theory of government. Moreover, he has shown courage in opposing new government programs in his State. He has called on institutions in his State to tighten their belts. He has advocated the death penalty for drug crimes, and so on and on.

Mr. President, I know better than to attempt to make a personal assessment from afar of a man I have never met, let alone watched in action firsthand. But based on what I am hearing and reading, I believe Governor Wilder may prove to be a breath of fresh air amidst a cacophony of politicians who are forever taking the easy way out.

I may not agree with all of the Governor's statements and actions, but thus far he is a man who is surely doing a lot of good in a lot of ways. I view him as a man who is a credit to his State, and in the process I hold the notion that he is doing a great deal to build mutual respect among the races. Certainly he is building respect for himself. As the television announcer on one of the commercials puts it, the Governor is doing it the old fashioned way: He is earning it.

Mr. President, I ask unanimous consent that Donald Lambro's column "Playing a Prudent Game" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PLAYING A PRUDENT GAME

(By Donald Lambro)

Democratic Gov. L. Douglas Wilder of Virginia thinks his party might have more success in future presidential elections if it begins emulating his common-sense, largely conservative approach to government.

While his gubernatorial colleagues to the north in New York, New Jersey, Connecticut and Massachusetts are sharply raising taxes to dig themselves out from under a mountain of budget deficits, Mr. Wilder is cutting spending, holding the line on taxes and concentrating on stimulating Virginia's economy.

He dealt with a $1 billion budget shortfall this year by asking the state to tighten its belt, instituting across-the-board cuts in spending, and calling on his state's public colleges and universities to hold down their costs and tuitions. In addition, he eliminated the sales tax on non-prescription drugs (he hopes eventually to erase the sales tax on food), created a $200 million rainy-day

fund, opposed the creation of new government programs and fought for the death penalty for drug crimes.

Since his inauguration as the nation's first black elected governor, Mr. Wilder has been eloquently lecturing his party to abandon its old time "tax and spend" religion and champion "mainstream values" instead. He sees economic expansion and prudent fiscal policies to encourage such growth as the path to future Democratic victories at the state and national levels.

His growing popularity on the speaking circuit suggests that there are a lot of Democrats around the country who like what he's selling.

"Lots of times people think that the only way you can do better is to spend more," he told me during a wide-ranging interview in his office in the state capital. "Sometimes you aren't required to spend any more than you have spent, or can spend less."

Instead of more public spending to help the needy, Mr. Wilder emphasizes the importance of political and economic empowerment and the upward mobility that comes from increased economic growth.

While some of his colleagues look to Washington and more federal involvement in the problems of the states, the governor thinks the states must look to themselves for their own economic prosperity.

"We've got to be involved in economic development, period," he told me. "I consider that to be one of the greatest social equalizers."

Mr. Wilder thinks that the nation's political center of gravity has been dispersed from Washington to the state capitals. And with that shift "has come additional responsibilities for funding resources and revenues," he said. "You can't rely on any funding mechanisms but your own to attract and bring businesses into the states."

Like many of his fellow governors, he plans to travel "rather extensively next year throughout Western and Eastern Europe and the Pacific Rim nations in search of new investment and increased trade for his state. Despite a sluggish economy overall, Virginia's tight fiscal policies and lower tax rates have attracted some of the nation's biggest corporations. Mr. Wilder is particularly proud of the state's AAA bond rating.

But it is Mr. Wilder's unorthodox political advice to his party, a party in search of an elusive magic formula to make itself relevant again in the national political arena, that makes the most sense of all.

The political fabric of America is largely made up of voters who are "comfortably in the middle" of the political spectrum, he said. "They are not ideologues in any sense, but they want [candidates] who they feel are not threatening, who are not viewed as tax-and-spend politicians. The party must change."

This, while Democrates like New York Gov. Mario Cuomo are preaching that the party's primary purpose must be to stake out and promote a central role for government, Mr. Wilder preaches that the party's central mission must be to guarantee economic opportunity, not results.

"When I was coming up, one of the things my generation wanted was for government to get out of the way—that the government imposed too many restrictions, too many barriers, too many limitations. We were not asking government for anything for us but to remove itself," he said.

Yet in other areas, he is cautious about signing on to new ideas. He is sympathetic with proposals for school choice to help improve inner-city schools, but he is reluctant to embrace the idea until he sees more proof that it can work. Similarly, he expresses some support for Sen. Daniel Patrick Moynihan's proposal to cut Social Security payroll taxes but wants to first see "where the money is going to come from" to offset the revenue loss.

Because Mr. Wilder is unafraid to take on his party's special interests in a bid to win back mainstream Democratic voters, it is little wonder that he is already being mentioned as a possible presidential or vice presidential candidate.

"I'm keeping my options open," he says.

DANGEROUS MOVES AT HHS

Mr. HELMS. Mr. President, on June 2, 1987, the U.S. Senate voted 96 to 0 to protect the health of the American people by adding the human immunodeficiency virus to the list of "dangerous contagious diseases" for which an immigrant can be excluded from entry into this Nation.

In 1987, the Senate unanimously approved my AIDS immigration amendment because it was, and is, good public health policy. In fact, I offered by amendment on the recommendation of the then Surgeon General, Dr. Koop, and other officials of the Public Health Service. I agreed with General Koop, as did every one of my colleagues, liberal and conservative, Democrat and Republican, that the public health of this Nation will be at risk if the United States continued to allow immigrants with AIDS into this country.

Incredibly, Mr. President, it has come to my attention that officials at the Department of Health and Human Services are now advocating the removal of the AIDS immigration prohibition as well as the prohibitions now placed on all people with sexually transmitted diseases who attempt to enter this country.

I had assumed that very possible political concession had been made to the AIDS lobby, and to the "homosexual rights" movement which fuels it, but what is now going on at HHS is beyond belief.

Is it not enough that the public health agenda of America has been torn apart by the AIDS movement, and that innocent children—like Ryan White—continue to die because the lobby and its allies promote civil rights rather than public safety? Apparently not, because some in the administration are bowing to the incessant cries of the homosexual rights movement to throw open the floodgates which our sensible immigration restrictions have previously kept shut.

The administration at first attempted to appease the homosexual rights fanatics by creating a special immigration waiver policy. Under this policy people with HIV may enter the country for up to 30 days to attend medical conferences, receive medical treatment, or visit family members. In order to gain this waiver, however, the infected individuals must answer questions about their medical condition, including whether or not they are infected with HIV.

Of course, the homosexuals were not happy—and they will never be until homosexuality is elevated to the civil rights equivalent of race and religion—they cried discrimination. They claimed that America is stigmatizing homosexuals and that everyone should be allowed to come into this country without disclosing his or her medical condition.

At the behest of the President's Commission on AIDS and HHS Secretary Louis Sullivan, legislation was introduced in the House to allow HHS to remove the HIV immigration restriction. In addition, on April 13, the administration issued a special 10-day visa to allow anyone who wants to attend so-called medical conferences, such as the AIDS conference in San Francisco later this year, to come into the country.

That means that foreigners can come into this country for a conference even if they have AIDS but, if they have syphilis, or any of the other dangerous diseases on the prohibited list, they will be kept out. What is the logic in treating HIV differently from other dangerous diseases when the great difference between AIDS and the others is that AIDS kills every time?

Mr. President, the Department of Health and Human Services is not promoting a health agenda. It is promoting an agenda skewed to placate the appetite of a radical and repugnant political movement. Once again the politics of AIDS is given priority over common sense and the public good.

Let's once and for all set the record straight: The Helms amendment, as my colleagues affirmed in 1987, is sound policy. And it works.

In late 1989 the House of Delegates of the American Medical Association made it perfectly clear that the AIDS immigration policy makes medical sense. The AMA resolution said:

> Immigrants have historically undergone a health assessment before admission into the citizenship process. To exclude HIV infection from the health assessment of those seeking U.S. citizenship would be a change in long standing U.S. policy and difficult to justify on medical, scientific, or economic grounds.

Although the delegates opposed mandatory testing of all visitors, it is important to note that the Immigration and Naturalization Service does not require AIDS testing for nonimmigrants. Rather, it asks visitors if they have any of the diseases which are on the list of dangerous contagious diseases.

An article in the August 25, 1989 issue of Morbidity and Mortality Weekly Reports [MMWR], a publica-

tion of the Centers for Disease Control, documents cases of HIV-2 infection which have been discovered by public health authorities as a result of the Helms amendment. For the information of Senators, HIV-2, according to the CDC, is rare in the United States, but it is prevalent outside of our borders. In fact the CDC credits the mandatory medical screening process for the detection of the HIV-2 cases. In other words the Helms amendment works.

Mr. President, let no one assume that the AIDS lobbyists will stop here. Each day they grow more strident. Each day they clamor for more special rights and more and more money to be funneled to AIDS programs. There is not a corresponding call for a measured and sensible public health response to this disease.

Congress should put the Department of Health and Human Services, and the AIDS lobby, on notice. The existing immigration law works for the good of all the American people; it must not be treated like a special interest football to be kicked around at the whim of any militant group and its apologists in government. I intend to do everything I can to see that the AIDS immigration prohibition remains in place. If I lose, the American people will lose also.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

HATCH ACT REFORM AMENDMENTS OF 1989

The PRESIDING OFFICER. The clerk will report the pending business.

The assistant legislative clerk read as follows:

A bill (S. 135) to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes.

The Senate resumed consideration of the bill.

AMENDMENT NO. 1585

(Purpose: To modify the definition of a partisan political office)

Mr. ROTH. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Delaware [Mr. ROTH] proposes an amendment numbered 1585.

Mr. ROTH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 3, line 7, strike out all after the comma through "organization" on line 9.

On page 4, line 21, insert before the period the phrase "or hold any office or position within a political party or affiliated organization".

Mr. ROTH. Mr. President, this is a very simple, straightforward amendment. It would strike from the bill the ability of Federal employees to hold any office or position within a political party or affiliated organization. If this amendment is approved, it will retain the same law as applies today for this specific issue.

S. 135 would repeal this prohibition and allow Federal employees to hold positions in political parties and affiliated organizations. Proponents ignore the adverse impact of this legislation on the Government and on the American people and focus attention exclusively on the Federal employee. They would have you believe that the Hatch Act oppresses Federal employees and that S. 135 would set them free, when, in fact, the very opposite is the truth. The Hatch Act protects Federal employees from inside and outside coercion. This legislation would, in practice, restrict their freedom.

Mr. President, a similar debate might be held regarding section 603 of title 18, United States Code. That provision, among other things, forbids the staff of the Senate from making campaign contributions to their respective Senators. This provision, it might be argued, robs Senate staffers of the right to contribute to Senate campaigns, a right enjoyed by the entire American populace, except for the oppressed few.

We all know why this provision was passed and has been retained on the books. Section 603 was not enacted to oppress or even to trade employee rights for the honor and privilege of Government service, but to protect the employee. Were it not for section 603 and similar provisions, it might become expected of Senate staffers to make such contributions. Since it is not possible to outlaw expectations, the only way to protect Senate staffers is to prohibit this form of political activity. Similar expectations will arise if Hatch Act protections are removed. It does little to solve the problem to declare against coercion.

After two centuries of trial and error, America and Federal employees have come to appreciate the genius of a politically neutral Federal work force, responsible to an elected President and his political appointees. This system allows Government to be both responsive to popular will, yet fair and impartial in the administration of our laws. This system rests squarely upon the Hatch Act. It is the reason why a politically neutral work force can function subordinate to political appointees without itself becoming politicized.

This legislation is a serious threat to the delicate balance of this much admired system. In his veto message in 1976, President Ford stated that if Hatch Act legislation becomes law, "pressure could be brought to bear on Federal employees in extremely subtle ways, beyond the reach of any anti-coercion statute, so that they would inevitably feel compelled to engage in partisan political activities."

In my opinion, this would be the inevitable result of this legislation. Proponents of this legislation do not seem to appreciate the expectations, the pressure, and the coercion that will spring forth if this legislation is enacted. Few of us would find it appropriate for employees of the Federal Election Commission to be president or treasurer of the Democratic or Republican National Committees at night and then serve as umpires over partisan politics by day. This legislation would allow that. My amendment would prevent it.

Few of us would find it appropriate for an employee of the Internal Revenue Service to be president of the State Democratic or Republican Party organization at night and conducting an audit of a local business by day. This legislation would allow that; my amendment would prevent it.

Few of us would find it appropriate for an assistant U.S. attorney to be chairman of the local Democratic or Republican Party organization at night and prosecuting political corruption during the day. This legislation would allow that. My amendment would prevent it.

These, Mr. President, are but a few examples of what we could expect if this legislation S. 135, is enacted. And what kind of confidence would that inspire in the American people to see these Government officials attempting to administer in a nonpartisan fashion the affairs of government by day and the running of partisan politics at night?

In upholding the constitutionality of the Hatch Act in United Public Workers, CIO versus Mitchell, the Supreme Court considered the question of off-duty political activity. The majority held:

We do not find persuasion in appellant's argument that such activities during free time are not subject to regulation even though admittedly political activities cannot be indulged in during working hours. The influence of political activity by government employees, if evil in its effects on the service, the employees or people dealing with them, is hardly less so because that activity takes place after hours.

This is a very important statement. And this proposed S. 135 attempts to divide or separate political activity by the fact of whether one is on duty or off duty. And, as the Supreme Court points out, I think very succinctly, it makes little difference whether the

evil is applied before or after working hours.

So I would hope that my distinguished chairman would listen with great care and be willing to accept this amendment.

In a letter, I point out, to the Governmental Affairs Committee during the 100th Congress, and I think it is just as accurate today as when it was written, the American Bar Association stated:

> We question the existence of such a clear line. The timing of an employee's permissible activity may be clearly defined, but the employee's possible motivation for such activity is not. Will it be any less an evil in the future than it has been in the past for an employee on his or her own time to actively work for the election of a partisan candidate out of a sense of loyalty to his or her superior or out of pressure from that superior, real or perceived? * * * Participating in partisan political activity as a result of pressure from one's bosses at work is a "freedom" which Federal employees can well live without. The bright line of "on-duty" and "off-duty" of S. 135 is a mirage.

Mr. President, I wish to draw an analogy: Suppose that we were at a baseball game and there were 60,000 fans supporting and cheering loudly for the home team. All of a sudden, all of the umpires join in the cheers. Would they be considered impartial?

Proponents of S. 135 would argue, well the umpires would not be able to cheer "on the job."

Suppose the umpires did not cheer "on the job," but afterward, "off the job," they openly displayed their partisan support for the home team. Even if they called every ball and strike and every out perfectly the next game, every baseball fan would begin to doubt their impartiality.

Just like the umpires in this example, Federal employees who became actively involved in partisan politics, whether it is holding office in the national, State, or local Republican or Democratic Party organization or campaigning for a particular candidate in a partisan election, would become identified with a partisan cause. This will fundamentally alter the public's impression of a nonpartisan civil service.

Mr. President, this amendment would keep the current prohibition on Federal employees from holding office in political organizations. It is a straightforward amendment, and I urge its support.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. MOYNIHAN). The Senator from Ohio.

Mr. GLENN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GLENN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Mr. President, I would like to respond briefly to the opening comments by my distinguished colleague from Delaware and then comment specifically on the amendment that he has proposed.

Mr. President, I would correct once again—this is several times since this debate started on the Hatch Act—that what S. 135 does in no way repeals the Hatch Act. What it does, it amends and it amends to make it workable.

When I say amends to make it workable, to me that means that you have a stronger Hatch Act, not a weaker one, because what you are doing is taking a very vague act, one in which there have been some 3,000 or more interpretations made through the years, a bill so confusing people do not know what they can do and what they cannot do, and you take that vague type legislation that is subject to misuse, if a person wants to intentionally do something that might otherwise be prohibited, or it also protects against the vagueness of the present law by inadvertent violation. So it protects against those who would intentionally subvert the law for their own purposes or those who would inadvertently, just through the complexity and vagueness and murkiness of this legislation that has developed through the years, would inadvertently violate the Hatch Act.

Just a couple of examples which we have given here on the floor before. If "Hatched," you can wear a campaign button on the job. If you are a Government employee right now, you can wear a campaign button on the job. Fine. And you can write a thousand-dollar check to a candidate if you so desire. But you cannot go down and give any in-kind contribution of your time. You cannot even go in a back room, what we call a boiler room, in a political campaign and stuff envelopes. That would be prohibited. It is right now. You cannot do that. It is illegal. Why on Earth is something like that be illegal? It does not make much sense.

You can do some things but you cannot do others. You can go to a political rally, that is permitted, but you dast not get yourself caught with a sign in your hand. You are violating Federal law if you have a sign in your hand. If you are standing back against the wall and somebody comes along and says, "Hey, I have to go out here and pick my son up. Would you hold my sign just a minute while I am gone?" and you hold a sign as a favor to that person, standing their with a sign in your hand, you are in violation of Federal law. Make no mistake about it. Is that right? That was a political poster at a rally.

But now the change is once you get outside the hall, once you are outside the hall, you can take that same political poster, put it up on your lawn, put 50 of them on your lawn, cover your car with them, do whatever you want to do with them, do anything you want to do with those political posters, but you better not get caught standing in a political rally standing with a sign in your hand or you are in violation. Is it any wonder that people are in doubt about what they can or cannot do?

It does not make much sense. It is things like that we are trying to correct. This is not a monstrous repeal of the Hatch Act. This is now knocking out the protection for Federal workers as though we are about to embark on some effort to get into the spoils system. I submit the Democrats are in pretty bad shape as far as getting into the spoils system. The spoils system would be pretty much under the control of the administration, so the spoils system would go to those who are in power. It is not an attempt to do anything like that.

Let me give another example. If you are "Hatched" if you are a Government employee, you may express your opinion about a candidate publicly but, get this, you cannot make a speech or campaign for or against a candidate. Now, what does this mean, express myself publicly? Do I have to go out in the woods to prevent this—before I say I am in favor of such and such a candidate, or I think you ought to vote a certain way—do I have to go out where nobody will hear me, where the sound reverberating from my voice falls on trees and nothing but? Or can I tell this preference of mine to one person? What is the definition of "public"? How about two people? Am I wrong if I do it with two people. Three is a crowd; four is what? Prohibited? I do not know. I do not know the answer to that. But if "Hatched," it says that you can express your opinion publicly but you cannot make a speech or campaign for or against a candidate.

This one is not all just fun and games either, because in the State of Washington during the last election, Navy shipyard workers were notified that they could not even actively participate in the State's Presidential caucuses. That is a caucus State where you have to go and attend. You do not just go to a voting machine. You have to stay at the caucus or your vote is not counted. You either vote by ballot or in some States by hand; it does not always have to be by ballot. So in the last election, Navy shipyard workers were told they could not go to their Presidential caucuses so they were prevented from having a vote in the primary because they were in a caucus State. Is that right? I do not think it is.

This is one that was here until a short time ago. I thought it was pretty good. This one has been corrected. But

until about a year ago, the Hatch Act even extended to the letters to the editor on partisan politics. If "Hatched," you could write one letter to five papers, five letters to one paper, but you could not exceed that. Any wonder that people are a little bit confused about this whole thing?

Well, in the caucus States, to go back to that Washington State example just a minute, and the same thing applies, to some extent, in two shipyards up in the State of Maine that our distinguished majority leader pointed out in his opening remarks on the Hatch Act, where two shipyards, one which is a Government shipyard, the other is a privately owned shipyard. In one, the workers can participate fully, and the other they cannot at all. Does that make sense? They are doing similar work, all Government work, one is private, one is under Government direct employment.

Mr. President, that is what the bill is trying to correct. Nothing more, nothing less.

There is no attempt being made, no matter how many times I have to correct it, there is no attempt being made to repeal the Hatch Act, which I keep hearing over and over again. The bill amends the Hatch Act to make it workable, to give better protection. In fact, some things we restrict are not restricted now. If you are a Federal employee you could go to work this morning with a political button on. I do not think it says what size. So you could have one a foot across if you wanted to, or a tiny one, whatever size you want but you can wear a political button at work. Under the Hatch Act amendments that we propose here, S. 135, you could not do that. You cannot express yourself on the job.

On the job, you are there to do your Government job without fear or favor. That includes not expressing yourself politically on the job. But off the job, we still say you have some restrictions even off the job. Off the job you cannot do any fundraising, any political fundraising. And off the job, you also cannot run for public elective office yourself if you are a government employee. I think those are two good, solid restrictions to remain on.

What is referred to many times and has been referred to a number of times here on the floor is the House bill that takes those last two protections out. Do not confuse the two bills. Our bill says no politics on the job. Off the job, still no fundraising, no running for political office yourself.

That gets us to the amendment by the distinguished Senator from Delaware. Mr. President, the biggest problem with the amendment I see, offhand, is that it would deny Federal and postal employees the right to even be a party delegate. As a result, I feel it denies employees in certain States the right to even participate in basic party politics.

Let me give an example: The State of Connecticut. In Connecticut nominations for office for President, Congress, Governor, State attorney general, State legislator, and for probate court are all decided by delegates to party conventions. This is the difference between running for office or being just a party delegate. And the question is, should Government workers, or even postal workers, be prohibited from even serving as delegates to party conventions and caucuses? I do not think they should be prevented from that.

My interpretation, at least, of the amendment by the distinguished Senator from Delaware would be that they could not run even as a party delegate to conventions and caucuses—that is not for permanent office in the organization—nor run for public political office. They could not even run as party delegate to conventions and caucuses where nominations are made and decided for the offices that I listed a moment ago.

Mr. President, for that reason, I oppose the amendment by the distinguished Senator from Delaware.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LIEBERMAN). Without objection, it is so ordered.

Mr. ROTH. Mr. President, in the several days' debate that we have had on the Hatch Act and S. 135, it has been continuously urged by the advocates of this legislation that S. 135 does not represent repeal of the Hatch Act. To the contrary, I have argued and continue to insist that S. 135 takes us 180 degrees around from the direction the law now has us headed.

I would like to read once again, under the current law, section 9(a) of the Hatch Act, which the committee report says is widely regarded as the heart of the act. It reads in pertinent part:

(a) an employee in an executive agency or an employee employed by the Government of the District of Columbia may not—

And I emphasize the word "not."

(2) take an active part in political management or in political campaigns.

The whole purpose of the Hatch Act is to try to strike a balance between the rights of the Federal employee to participate in elections and to protect the rights of the American public who have a right to expect Federal laws will be administered in a neutral, nonpartisan way.

Let me read what S. 135 has to say:

An employee may take an active part in political management or in political campaigns * * *.

That is the very opposite, the very reverse, of what the current Hatch Act provides. My colleague can argue semantics as long as he wants to, but there is no question in the mind of anyone who has read this legislation that the whole purpose is to reverse the Hatch Act.

Not only have I argued this, but a public organization like Common Cause agrees and states that S. 135 represents a repeal and is not just a simple, little change.

As a couple of side remarks, because it really has no direct relevance to my amendment before the Senate, but much has been made about the fact that S. 135 would no longer permit a campaign button to be worn on duty. Currently, it is permitted. For some reason that I frankly cannot understand, this point has been made several times that under S. 135, the proposed legislation, employees could not wear a button. It would seem like the logical reason for underscoring and emphasizing that you want no political activity. Really, in the overall picture, it is a relatively unimportant matter.

Let me point out also a number of times that the point has been made that there are workers in two different shipyards: One privately owned, one Government owned. The one privately owned can campaign, can be involved in partisan politics, even though it may be building a ship for the Government. And those who are working in the shipyard owned by the Government are Hatched. And that is exactly right. There are good reasons for that, because, just let me point out, not only is it true of the right to political activity, but the employees at the Government-owned shipyard have all the other protections that are given Federal employees.

As we well know, there are limitations as to the circumstances as to when a Federal employee can be fired. There are very strict procedures—rights of appeal to Federal employees if he or she is dismissed and if he or she so chooses to use them. The rules that are governing the employment rights of those in the private sector are entirely different. I do not see anybody suggesting that all the rights of the employee in the private sector should be extended to Federal employees or that we should do away with the job protection that is offered in the Government spot.

But the thing that I think is important to understand is that, as I already indicated, the purpose of the Hatch Act is an effort to strike a balance between the needs of the individual and the needs of having our laws administered in a nonpartisan way. This is a

balance that has been worked out over a 50-year period. Generally speaking, I think it has wide acceptance, both in Government and outside Government.

As we indicated last week, roughly 70 percent of the Federal employees are either neutral or do not want the Hatch Act changed. They are satisfied with the current law and the way it is being interpreted.

I have talked about the balance. But let me just, once again, for purposes of the record and for those who are listening, point out what employees may now do. As my colleagues listen, I think it is important once more to understand we are trying to protect the basic rights to vote of the employee and to protect the right of the American people, the American public, to nonpartisan administration of the law.

What may an employee do now? One, he can register to vote; and two, he can contribute money to partisan political campaigns; three, express their views in private and in public, though not in a concerted way to elicit support for a candidate or party.

The distinguished chairman, in discussing this point, tried to give an illustration that was it not ridiculous that you could get up under certain circumstances, carry a sign, and under other circumstances you cannot.

What the law is trying to do is draw a line between where the activity is as a private individual and where he or she is trying to act as part of a political campaign. That is exactly what was involved in the case involving the three union leaders. And when it got to the courts, the courts found these individuals, in putting a letter in a union newspaper was not violating the Hatch Act; that the fact it was in a union newspaper meant that it was not part of a concerted, partisan political activity.

Let me go on to some of the other things. Again, an employee, a Federal employee, can attend conventions, rallies, but only as a spectator. He cannot get up and get involved in the leadership or active participation because that is partisan politics.

Five, an employee can run as an independent candidate in certain partisan contests in designated areas with a high concentration of Federal employees; 6, he or she can assist in nonpartisan voter registration drives; 7, campaign for or against political referendum questions; 8, participate as a nonpartisan poll watcher or election judge; 9, wear buttons off duty, or subject to various agency restrictions on duty; and 10, participate in nonpartisan campaigns.

What this new proposed law would do is, of course, one, permit a person to hold office in a political party; two, distribute campaign literature and solicit votes off duty. As I pointed out, it would provide a tremendous political machine for one side or another. As I mentioned last week, all your letter carriers on Sunday would be off duty and would provide the most marvelous organization to get your campaign literature distributed to every house in the district. I do not blame the Democrats for thinking that is a pretty good idea.

The new law would permit the organization of and participation in phone banks off duty; organize and participate in political meetings off duty; publicly endorse candidates and urge others to support them off duty; solicit contributions to the PAC of a Federal employee organization to which both the employee and the donor belong off duty.

A national organization could potentially be structured so that that would be a tremendous boon in soliciting PAC funds.

Again, as I emphasized last week, it is ironic that as soon as we complete action on the Hatch Act, it is my understanding that the majority leader intends to bring up campaign reform. The centerpiece of campaign reform is to limit, if not outright eliminate, PAC's. To the contrary, this week, this day, we are proposing to expand. It seems inconsistent.

But my amendment that we have before us at this moment would prevent a Federal employee from holding office in a political party. As I said, for example, if you are a member of the elections commission, how can you, off hours, in the evenings, on weekends, whenever you are off duty, act as chairman of a political party—and I do not care whether it is Republican or Democrat—act in a highly partisan way and then when you come back to the job, take over the responsibility of administering the election laws presumably in a bipartisan way. If it is a Republican chairman, are the Democrats going to think that Republican chairman can exercise his discretion impartially on duty? The answer is "No." And the same would be true if it were a Democrat.

So again, it makes no sense to me to permit a Federal employee to be a party chairman, and for that reason we have urged that through my amendment we delete the right of any Federal employee to be a chairman of a party, whether it is at the Federal, State, or local level.

A second reason that I might point out is the inconsistencies, the ambiguities, of S. 135. As now written, S. 135 says, yes, one can hold a job of chairman or any other partisan political job. But in a further section, it defines what is meant by a volunteer or political contribution.

A political contribution is defined under the proposed legislation not only to include money or gifts, loans, contracts, promises, but it includes the provision of personal service for any political purpose.

Under this legislation, one cannot direct, solicit, or administer volunteer workers off duty unless they are part of the same employee organization. Anyone who has followed politics knows that to be a chairman, whether it is State, local, or national, one of your great responsibilities is to secure, to direct, to manage volunteer workers, whether it be the simple job of addressing envelopes or something more difficult.

So here we have a proposed law that in one instance says, yes, Mr. Federal Employee, you can be a State chairman or a national chairman, but then in the next provision says when you are a State chairman or national chairman, you cannot solicit volunteer services unless they are members of your employee organization.

So as I have said, this legislation, if it were to be enacted into law, is going to create far more difficulty in interpretation, in rules and regulations, than the current law.

But the most important reason, Mr. President, is the point I made earlier, and that is that the Federal employees and the American public are, indeed, very satisfied with the current arrangement. Yes, there are some complaints, as there are under any law. Yes, there are some regulations that could be clarified and made simpler. But overall, the fact that 70 percent of the Federal employees are netural or opposed on any amendments to the Hatch Act shows that the law now on the books has served the American people and the Federal employees well.

Mr. President, I urge adoption of my amendment, which would delete the right of Federal employees to chair a partisan political organization.

I make a point of order that a quorum is not present.

The PRESIDING OFFICER (Mr. GRAHAM). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GLENN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Mr. President, could we spell out what the parliamentary situation is here? As I understand it, any votes scheduled for today would be put off until tomorrow. So I presume we can agree among ourselves here that when our debate is completed upon any one amendment we will go on to the next amendment with votes on all amendments put over until tomorrow.

It would be my intention tomorrow on those that I oppose to move to table those amendments. But I presume the parliamentary situation being what it is I must wait until that time to do that because we would also

have time for other people to be involved in the debate tomorrow.

Is that a fair summary?

The PRESIDING OFFICER. The Senator from Ohio is correct. There is not now a formal order establishing the time for the votes tomorrow of those discussed today, but it is certainly within the prerogative of those in the Chamber to set aside various amendments.

Mr. GLENN. Further parliamentary inquiry, Mr. President. It is my understanding that debate can continue tomorrow on any of these amendments that we are debating today even though they are set aside today for voting tomorrow.

Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. GLENN. I thank the Chair.

Mr. ROTH. If the distinguished chairman will take a question, I would be happy, at least on this amendment, to cut off debate at practically any time now, but I advise the distinguished chairman that I want to have a rollcall vote unless the distinguished chairman is willing to accept my amendment.

Mr. GLENN. I guess that guarantees a rollcall vote.

I do not propose to speak long on this. I had a couple of remarks, and then, as far as I am concerned, we can move on to the next amendment.

Mr. President, I think very basic to this full discussion over these amendments to the Hatch Act is the fact that Americans should be restricted only where necessary. We are talking about the rights of some 3 million Americans when you are talking about civil service and Postal Service. These are, we hope, among the best and brightest in our country. They are the ones we would look to for a lot of leadership at the local level, county and State level. We are not just talking about big national elections here. We have had the situation here in Washington only in terms of what happens during Federal elections, but, remember, probably the bulk of our political activity is done at the city level, even the township level, the county level, and the State level. That is where our political parties are most active on issues that are not Federal issues. If we keep these same restrictions in that are in force now, then we are unduly restricting some of the best people in our country, some 3 million of them, from even participating at that local level. It has nothing to do with Federal elections.

Mr. President, the largest majority of officials of political parties do not hold national office. They represent their parties on a local county or statewide basis. They are far removed from the Federal Government. A Federal employee's status as an officeholder of a local political party would give him or her no special access to power, no special ability to affect Federal policy, nor would it enable him or her to manipulate the job in such a way as to affect public interest adversely.

Mr. President, we have a list here of a little study done by the Congressional Research Service which shows that 41 States have laws, rules, regulations, and interpretations which permit activity off the job. I have seen no huge national cry that these laws are all being abused by the people at the State and the local level.

So I see no reason why we need to knock them completely out of the political process, which this amendment would do.

Mr. President, I repeat only one more time the fact that the example I gave before of the State of Connecticut is a good example of what can happen. Connecticut has a caucus; it is a convention State. In Connecticut, nominations for President, Congress, Governor, State attorney general, State legislature, and probate court are all decided by delegates to the party conventions.

This would prohibit those people from even participating as delegates to conventions and caucuses. I do not think that is necessary. It does not give us additional protection. Any abuse that would come from that is already covered by law as to what they can do and cannot do if they try to coerce. Anyone attending that convention or caucus cannot ask them for money; they cannot ask for contributions. So they are protected there.

I fail to see what the danger is.

Mr. President, I am prepared to end debate on this particular amendment, and set it aside for further debate or a vote tomorrow, and proceed to any other amendments if they are available to be presented.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I indicated last week I would have amendments to the pending legislation. I will offer those amendments in just a few minutes. I first wish to make a preliminary statement.

SET THE RECORD STRAIGHT

Mr. President, I will be submitting two amendments to S. 135 for consideration which I believe, measurably improve the legislation.

However, before I submit these amendments, I would like to take this opportunity to explain why I oppose any significant revision of the standards set forth in the Hatch act as effected by S. 135.

HATCH ACT WORKS AND IS NEEDED

Mr. President, the proponents of S. 135 say that the Hatch Act is no longer needed—that it is a relic of a bygone political era and should be gotten off the books.

Mr. President, I ask why is the Hatch Act no longer needed? It seems to me that the conditions which necessitated its enactment over 50 years ago still exist in one form or another today. Indeed, has politics really changed that much?

The Hatch Act has deep historical roots and was enacted as a much needed and long overdue remedy to years of increasingly gross patronage abuses within the Federal Government, including the administration of Federal programs. And we are hearing some of that even now in HUD, for example.

I have yet to hear anyone on this Senate floor deny that history—including our country's history before the enactment of the Hatch Act—bears countless examples of political abuses that hurt Government, its employees, and most importantly, the people it is supposed to serve.

To say that things are different than they were in 1939 is to ignore the reality of politics, of government administration, and of the employer/employee relationship.

Indeed, the fact that political abuses are comparatively rare in the Federal system, but not uncommon in many State and local government agencies, is a testament to the need and efficacy of the Hatch Act.

You just have to open any national or local newspaper or go ask the Office of Special Counsel, and you will find many examples where improper conduct and political influence have undermined the fair and impartial administration of government—conduct that the Hatch Act prohibits.

While S. 135 also seeks to prohibit certain cases of impermissible conduct, it has moved the line and opened the floodgates by shifting the presumption from one of prohibition to one of acceptance and permissibility.

HATCH ACT DOES NOT OPPRESS FEDERAL EMPLOYEES

Proponents of S. 135 have also claimed that the Hatch Act oppresses Federal workers and deprives them of their first amendment rights. S. 135 has been touted as a civil rights and free speech bill for Federal employees.

Mr. President, such rhetoric only serves to camouflage the real issues and the real impact of this bill.

HATCH ACT PERMITS FEDERAL WORKERS TO ENGAGE IN POLITICAL ACTIVITIES

The Hatch Act prohibits public employees from using their official authority or influence for the purpose of interfering with or affecting the result of an election and from taking an active part in political management or

in political campaigns. It does not prohibit such employees from voting, expressing their views in private and in public, attending political conventions or rallies as a spectator, campaigning for or against political referendum questions, and a host of other activities.

These rights are real and they are substantial.

S. 135 WILL LEAD TO POLITICIZATION OF GOVERNMENT

If S. 135 is enacted, visible, partisan activity will become legal. Federal workers will be entitled to hold an office in a political party, solicit political contributions, make speeches and distribute campaign material—to name but a few.

Mr. President, such activities may sound harmless enough, but they are anything but that.

Do we really want a section chief in the Criminal Division of the Justice Department—the individual who decides on the prosecution of public employees—to serve as a party official? Do we want IRS or FBI agents—individuals who have access to sensitive and confidential information—to be soliciting campaign contributions?

These two examples represent only some of the very troubling scenarios that will—not may—but will occur if S. 135 becomes law.

COERCION

Backers of this bill say that Federal employees will only be able to engage in such conduct off duty and therefore their activities will not have an effect in the workplace. This is wishful thinking.

Can somebody tell me what off duty is, how it is going to be policed and who is going to decide whether or not it is off duty or whether taking an extra hour or taking some leave or whatever during the lunch hour? I think it is wishful thinking.

Intimidation and coercion do not have to be intentional; they are subtle, psychological, and all powerful.

Consider the employee who is up for a promotion whose boss is an active party participant during his off duty hours. In such a situation is it not likely that such employee will, at a minimum, automatically believe that he might gain a competitive edge on his colleagues by letting his boss know of his support for the party and perhaps even assist the boss in his nature to believe such political endeavors?

Does S. 135 not create an incentive for the employee to make a contribution to support his boss' political efforts?

In short, Mr. President, looking at the realities of the employer-employee relationship, it is only human nature to believe such things and to take such actions.

Let us just assume we want to have a little drive in our office and we called up staff people and said, "Wouldn't you like to contribute to such and such?" I will bet most would say, "Well, I wish I would have thought of that. Yes, certainly. How much?" That is the same sort of subtle coercion you are going to have if this bill ever becomes law.

As Joseph L. Fisher, chairman of the board of trustees of the National Academy of Public Administration testified in February 1988 before the Senate Subcommittee on Federal Services, Post Office and Civil Service,

Those in the civil service would soon come to believe that better assignments, promotions, and bonuses depend in part on partisan political activity. Equally destructive of morale and motivation would be a growing concern that not being promoted or given a preferred assignment was due to having engaged in political activity for the unsuccessful party or candidate or simply not having participated at all.

So they are going to lose either way.

Mr. President, I am proud that we have a civil service founded on merit, and I believe that S. 135 is a dangerous and ill-advised step backward.

I have reviewed testimony from cases of political abuse in the workplace which have been handled by the Office of Special Counsel—examples of coercion—both obvious and not so obvious—in which employees felt obliged, whether to protect their jobs or advance their careers, to assist their superiors in political campaign activity either by working the phone banks or even, believe it or not, taking out bank loans in order to make substantial campaign contributions.

I fear that if S. 135 becomes law, the stack of cases of political abuse will grow dramatically.

All of this, of course, is bad enough, but it gets even worse when the Senate comes to consider an overhaul of the civil service pay structure to make it fully merit—based. I wonder whether partisan politics, at least to some extent, will come to supplant merit.

BIASED IMPLEMENTATION OF FEDERAL LAWS AND PROGRAMS

I also wonder, Mr. President, if we want to introduce a political element into the implementation of our Federal laws and Federal programs.

In a worst case, S. 135 will lead to abuse in the enforcement of our laws and the administration of programs and the disbursement of funds. This happened before the Hatch Act, and it will happen again without the current protections afforded by the Hatch Act.

In a best case, even if no abuses occur, the public's confidence in the fair and impartial administration of government will be compromised. Every decision made will be suspect and rightfully so.

It is hard enough to maintain public confidence in government without having to argue that politics and party affiliation had nothing to do with the particular action that was taken or the decision that was made.

NO MANDATE FOR CHANGE

Finally, proponents of S. 135 say that this bill implements changes that everyone wants. As with everything else the proponents of this bill have claimed, this is simply not the case.

We have all heard on this floor the many organizations—organizations that have historically taken opposite positions on issues—which are today united in their opposition to this legislation. I have letters here from Common Cause and the U.S. Chamber of Commerce expressing their strong objection to S. 135. Only bad legislation brings such diverse groups together.

I would also like to remind all of my colleagues, as we have already heard, that Federal workers do not want this legislation either.

In fact, I am going to try to put together an amendment that says before it can go into effect in any subdivision like the IRS or something you have to have 51 percent of the workers vote for it. Are we trying to make people accept this, even though they do not want it because some labor leaders are lobbying the Halls of Congress with some success?

WHO SUPPORTS S. 135 AND WHY

So why are we debating S. 135 and who really serves to benefit from the repeal of the Hatch Act?

Some public interest advocates of S. 135 base their support on first amendment grounds for Federal workers. And yet the U.S. Supreme Court has repeatedly upheld the Hatch Act's constitutionality saying that "we see no constitutional objection."

The Federal employee unions support this bill on the basis that those whose interests they represent overwhelmingly support S. 135.

So I think we ought to have a provision which would be germane, which we will offer at a later time, to make certain that the majority wants this extension of the Hatch Act, or repeal of the Hatch Act.

However, as various surveys have indicated, this is simply just not the case.

I believe, Mr. President, as my colleague, Senator ROTH, has so articulately said, that this bill is a simple and obvious means to expand the fundraising activities of the Federal employee unions. S. 135, which prohibits the solicitation of campaign contributions except from fellow union members for PAC's, is an open invitation to the unions to bolster their PAC's bank accounts.

At the same time we are talking about banning PAC's, here on the Senate floor we are taking time so we can make it easier to raise PAC money. I do not understand it. Both Democrats and the Senate bill say we

cannot take PAC contributions. In fact, we ban PAC's altogether in the Republican bill. The Democrats' bill, as I understand, says you can still give PAC money to parties and other groups, House candidates, but not Senate candidates. So what we are doing here, the only real purpose of this bill is to make the PAC's fatter, make the PAC's bigger to collect more money, which approximately 88 percent, I might add, goes to members of the other party. And we saw a good example of that just last week when they were talking about Mr. Gould with the Letter Carriers who is doing an outstanding job of raising money and about 90 percent of it went to Democratic candidates.

But you cannot do that now under the Hatch Act, so we are going to take away that prohibition.

Under the Hatch Act, such campaign solicitation by Federal employees is illegal; if S. 135 becomes law, such solicitation would become legal.

This bill amounts to a less-than-subtle means to fatten the Federal unions' and their PAC's pocket books.

As we all know and as I remind my colleagues on this side of the aisle, this money has gone and will continue to go to Democratic candidates even though I assume some of those Members—as I said the other day the letter carriers give about 90-some percent of their money to Democrats. I do not know how much of their mail goes to Democrats.

They deliver the mail to Republicans. They deliver all their money to Democrats. That is one basic difference. And I think they want to deliver more money to Democrats. At the very time we are talking about campaign finance reform we are bringing up a bill that in fact says, Well, there is some kind of hypocrisy going on. We are talking about campaign finance reform eliminating PAC's, what are we doing on the Senate floor? For a week we are trying to make it possible for Federal unions to have bigger PAC's.

So I think the bill flies in the face of the spirit of campaign finance reform. And I would hope that we would keep these things in mind.

Mr. President, I need to be on the House side speaking in about 15 minutes. If I could offer and amend, one amendment, if it is all right with the manager of the other side and he can tell me how good or bad it is while I am gone.

I am going to submit two amendments, but one at a time, which are not going to cure the legislation, but I think might help.

The first amendment is virtually identical to an amendment which Senator BENTSEN cosponsored with me nearly 15 years ago when the topic of Hatch Act reform was before the Senate, except that the scope of this amendment has been expanded to also include employees of the Federal Election Commission. Aside from that, it is just the same as it was 15 years ago.

The amendment passed the Senate by a vote of 68 to 23 and includes the support, among others, of Senators BIDEN, BUMPERS, BYRD, DOMENICI, HATFIELD, HOLLINGS, JOHNSTON, NUNN, PACKWOOD, PELL, ROTH, and STEVENS. Now if their judgment was good 15 years ago, I think it is going to be just as good today.

The amendment I am submitting—that, in fact, I submitted with Senator BENTSEN in 1976—prohibits employees of the Central Intelligence Agency, the CIA, the Internal Revenue Service, the IRS, the Federal Elections Commission, and the Justice Department from giving a political contribution to another employee, a Member of Congress, or an officer of a uniformed service. It also prohibits such employees from requesting and receiving political contributions from any of these persons.

In addition, this amendment prohibits such employees from taking an active part in political management or political campaigns. The restrictions set forth in my admendment are no more limiting than those in effect now for all Federal employees. In fact, the operative language of the amendment carefully tracks language from the Hatch Act as it applies to all Federal workers.

While, as I have stated, I am very concerned that S. 135 will give the green light for partisan political activity to creep into the Federal workplace, I am particularly concerned about the impact that S. 135 would have on agencies handling sensitive or confidential information.

Think of it, the CIA involved in politics. Think of it, the IRS involved in politics. If you were a Democrat who is going to be audited, how would you like to be seated across the table from an auditor wearing a big Bush button.

The FEC—if we ever get around to public financing, which I hope we do not, in campaign finance reform, my colleagues will find out how much influence the FEC can have, and the Justice Department, in civil and criminal investigations. Why should they be involved in partisan political activity on either side?

Active involvement in partisan political activity by CIA, IRS, FEC, and Justice Department employees significantly increases the potential for abuse of privileged and private information about American citizens, not to mention the potential for injecting political considerations into staff promotions and other advancement-related issues.

I fear that given the important, highly sensitive and often controversial matters that employees of these Federal organizations handle, public confidence in the impartial administration of such organizations' business would be substantially undermined and lead to the critical impairment of their ability to effectively serve the American people.

We have already repeatedly heard on the Senate floor of the Justice Department's strong opposition to S. 135.

I also have a letter here from Commissioner Goldberg of the IRS, dated May 4, 1990, which sets forth his many concerns with any bill that would relax the restrictions on political activity set forth in the Hatch Act.

Commissioner Goldberg concludes his letter by saying that "I believe that S. 135 is seriously flawed * * * and I call on the Senate to reconsider its application to employees of the IRS."

I also have a letter, dated May 7, 1990, from Lee-Ann Elliott, Chairman of the Federal Election Commission, in which she states that—

> The perception that commission employees are or may be engaged in partisan political activity, even on their own time, would severely undermine public confidence in our ability to properly and fairly carry out the mandate Congress has given.

Accordingly, Chairman Elliott requests that an exception from S. 135 be created for employees of the FEC.

I think that this Senate has a duty to listen to what the individuals who are responsible for running these very important Government agencies are telling us. They have unequivocally stated that S. 135 will hurt the effective operation of their agencies. That not only hurts the agencies and their employees, it also hurts the American people.

As I said earlier, do we really want CIA, IRS, FEC and Justice Department personnel who have access to sensitive information to feel pressure for political gain to leak such information? Do we really want employees of the FEC—the agency responsible for administering our election laws—to be actively partisan off duty and making supposedly neutral decisions during the day on campaign law issues? Do we really want the American people to have to worry about such things?

AMENDMENT NO. 1586

(Purpose: To provide limitations on the political activities of certain employees of intelligence and law enforcement agencies, and for other purposes)

Mr. DOLE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The pending amendment will be set aside and the clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Kansas [Mr. DOLE] proposes an amendment numbered 1586.

Mr. DOLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 4, line 4, strike out "An employee" and insert in lieu thereof "(a) Subject to the provisions of subsection (b), an employee".

On page 4, insert between lines 21 and 22 the following new subsection:

"(b)(1) An employee of the Internal Revenue Service, the Department of Justice, the Federal Election Commission, or the Central Intelligence Agency (except one appointed by the President, by and with the advice and consent of the Senate), may not request or receive from, or give to, an employee, a Member of Congress, or an officer of a uniformed service a political contribution.

"(2) No employee of the Internal Revenue Service, the Department of Justice, the Federal Election Commission, or the Central Intelligence Agency (except one appointed by the President, by and with the advice and consent of the Senate), may take an active part in political management or political campaigns.

"(3) For purposes of this subsection, the term 'active part in political management or in a political campaign' means those acts of political management or political campaigning which were prohibited for employees of the competitive service before July 19, 1940, by determinations of the Civil Service Commission under the rules prescribed by the President.

Mr. DOLE. Mr. President, I ask unanimous consent that the text of the letters from the Federal Election Commission dated May 7, 1990; the Department of the Treasury dated May 4, 1990; the Office of the Attorney General dated October 18, 1989; the U.S. Chamber of Commerce dated May 4, 1990; and Common Cause dated May 2, 1990, be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follow:

FEDERAL ELECTION COMMISSION,
Washington, DC, May 7, 1990.

Hon. ROBERT DOLE,
U.S. Senator, Washington, DC.

DEAR SENATOR DOLE: During your current deliberations regarding amendments to the Hatch Act, the members of the Federal Election Commission wish to express to you our deep concern about the consequences for this agency of proposed legislation revising "Hatch Act" restrictions upon political activity by federal workers. We would respectfully request that an exception be drawn for emloyees of the Federal Election Commission in any legislation intended to liberalize or relax the rules prohibiting federal employees' participation in political campaigns outside the workplace.

Congress established the Commission as a bipartisan body to administer and enforce federal election laws free of partisan or political considerations. Permitting active political involvement by employees of the Commission, even outside the work environment, could only serve to compromise the capacity of the agency's staff to perform their job responsibilities in a non-partisan manner. The perception that Commission employees are or may be engaged in partisan political activity, even on their own time, would severely undermine public confidence in our ability to properly and fairly carry out the mandate Congress has given us.

The members of the Commission certainly have no objections to those provisions of the act meant to strengthen restrictions upon "on the job" behavior related to political activity. Furthermore, we wish to express no opinion as to the appropriateness of the proposed legislation as it may be applied to and impact upon the federal workforce generally.

We hope, however, you will appreciate our strong reservations about those aspects of the legislation that would, absent a special exception, lift the restrictions upon political activity "off the job" by employees of the Commission. We ask your assistance so that our agency will be able to fulfill our particularly sensitive role in the political process with uncompromised impartiality and credibility.

Sincerely,

LEE ANN ELLIOTT,
Chairman.

DEPARTMENT OF THE TREASURY,
INTERNAL REVENUE SERVICE,
Washington, DC, May 4, 1990.

Hon. ROBERT DOLE,
Office of the Republican Leader, U.S. Capitol, Washington, DC.

DEAR SENATOR DOLE: It has come to my attention that the Senate intends to vote shortly on S. 135, a bill that will permit civilian Federal employees to participate in the political process. This will include the right to compaign on behalf of partisan political candidates and, in limited circumstances, solicit contributions on behalf of partisan candidates.

I am writing you to express my concern about this proposal as it relates to the integrity of the tax administration system. I am extremely concerned about both the appearance and the reality of IRS employees, such as revenue officers and revenue agents, campaigning and soliciting contributions for candidates of a political party. In my opinion, this could seriously undermine the public confidence in the IRS. Many people would not be able to separate IRS employees' private political activities with their public responsibility to administer the tax laws of this country. While I strongly support the right of employees to express their political views, the nature of their employment with an agency such as the IRS—an agency with tremendous access to sensitive personal information and with substantial powers to enforce the tax laws—circumscribes the extent and manner in which those views can be expressed.

I cannot over-emphasize the importance of this issue to tax administration. Our self-assessment system depends on public trust. The public must have confidence that each Internal Revenue employee upholds the highest standard of professional and ethical conduct. Campaigning for a political candidate would also raise questions of impropriety if the IR employee, while campaigning for a candidate, contacts taxpayers who are currently subject to an audit, collection, or other tax administration matter. In my view, taxpayers would seriously question a law which permits such political activity by IRS employees.

I believe that S. 135 is seriously flawed in this manner and I call on the Senate to reconsider its application to employees of the IRS. Thank you for your attention to this matter.

With kind regards.

Sincerely,

FRED T. GOLDBERG, Jr.

OFFICE OF THE ATTORNEY GENERAL,
Washington, DC, October, 18, 1989.

Hon. WILLIAM V. ROTH, Jr.,
U.S. Senate, Washington, DC.

DEAR SENATOR ROTH: This is to inform you of our grave and unequivocal objections to S. 135, a bill that would substantially repeal the Hatch Act. If this bill were presented to the President, his senior advisers would recommend that it be vetoed.

The Hatch Act of 1939 prohibits certain partisan political activities by federal government employees. It was enacted to remedy a century of patronage abuses resulting from the "spoils system." Federal programs to help the poor and the dispossessed were often perverted for political purposes. The Hatch Act seeks to guarantee the integrity of the federal civil service by assuring that federal employees are hired and promoted based upon their qualifications and not their political loyalties. It also assures that federal programs are administered on the basis of need, not politics. The Act's ban on active partisan campaigning by federal employees protects them from coercion and patronage abuse. Those protections remain essential to assure the integrity of the federal work force and the administration of federal programs. They also are critical to the public perception and the confidence in the impartial, even-handed conduct of government business.

S. 135 would fundamentally undermine the Merit System by changing a presumption that partisan politicking by federal servants is prohibited into a presumption that such partisan campaigning is to be encouraged. Specifically, the bill would allow federal employees to hold office in political parties, work in partisan political campaigns, and solicit political contributions from other federal employees, including subordinates, who are members of the same federal employee organization. Such a reversal in the role of partisan politics in the ethic of public service would permit virtually unbridled partisan activities by federal employees, which, history shows, would in turn inevitably lead to the politicization of public administration. For example, S. 135 would permit Internal Revenue Service District Managers to serve as political party officers, loan officers with the Department of Housing and Urban Development could organize partisan compaigns after work, and federal law enforcement officers could make television commercials paid for by political committees on behalf of partisan candidates.

We note that the bill provides that these newly authorized partisan activities are not to be conducted while employees are on duty, wearing the insignia of their offices, or otherwise about the government's business. Unfortunately, these prohibitions would be meaningless. They add nothing to existing criminal prohibitions in this area (see, e.g. Chapter 29 of Title 18 of the U.S. Code, and 18 U.S.C. §§ 641 and 872). Moreover, although proponents claim that S. 135 would provide protections against political coercion, the bill would actually repeal the authority of the Office of Special Counsel, found in 5 U.S.C. § 7325, to seek penalties for Hatch Act violations. Finally, the vestige of the Hatch Act left by S. 135 could be easily circumvented. For example, government officials, who belong to employee organizations, could induce subordinates to

join their organizations and then they could extract involuntary political contributions of money or services, as long as this activity occurred during off-duty hours and while the participants were not in government uniforms or on government property.

The inevitable result of S. 135 would be a politicization of the federal work force to the great detriment of federal employees, the programs that these employees administer, and ultimately the public which these programs were enacted to serve. Without the Hatch Act, employees would be inevitably subject to subtle, and not so subtle, pressures to support the partisan agenda in their government offices. It is unreasonable to expect that the few prohibitions listed in S. 135 would have any practical impact on the subtle politicization that would occur in the federal work force. Rank-and-file civil servants would not make federal criminal cases out of supervisors' requests for political contributions or for their off-duty time in support of a candidate. They would find it less costly to be victimized rather than incur the job-related risks that would surely result from a complaint to law enforcement authorities. Moreover, the difficulties inherent in proving even the most patent abuses would render the protections of the criminal justice system illusory. Thinly veiled exploitation and extortion would flourish because the politicized atmosphere of the workplace would make criminal conviction virtually impossible. The resulting impact on federal programs would undermine the public's confidence in the impartial administration of public business.

The Hatch Act ensures an environment wherein federal employees are encouraged to impartially carry out the public's business, rather than being distracted by the demands of political patronage. Under the Hatch Act, promotion is based upon merit, not political loyalty. The Act is understood by the vast majority of federal employees as a bulwark against the political pressures that would inevitably accompany a partisan public work force. Its prohibitions are clearly set forth in the statute and regulations at 5 C.F.R. § 733. The Office of Special Counsel (OSC) is empowered to provide authoritative advice to employees with questions about the application of the statute and regulations to particular circumstances. Last year, OSC processed about 1,400 inquiries from the approximately 3 million federal employees covered by the Act. We believe, on the basis of experience, that most federal employees either understand how the Hatch Act applies or they simply have no desire to politicize their lives and their jobs by engaging in the sort of partisan activity it covers. It is, we think, significant that there has been no groundswell of popular support for this bill from the ranks of federal civil servants.

In sum, the Hatch Act has served to shield federal employees and the programs that they administer from political exploitation and abuse for over fifty years. S. 135, which is being promoted in the Senate as a liberator of federal workers' civil rights, is perceived by many federal workers as stripping them of that shield, and presages that those workers may have to demonstrate a fealty to a political party that they may not otherwise endorse. We are committed to continuing the protections of the Hatch Act and urge you to join us by opposing S. 135.

The Office of Management and Budget has advised that there is no objection to the submission of this report to the Congress and that enactment of S. 135 would not be in accord with the program of the President.

Sincerely,

DICK THORNBURGH,
Attorney General.
CONSTANCE BERRY NEWMAN,
Director, Office of Personnel Management.
MARY F. WIESEMAN,
Office of Special Counsel.

U.S. CHAMBER OF COMMERCE,
Washington, DC, May 4, 1990.

Hon. ROBERT DOLE,
U.S. Senate, Washington, DC.

DEAR SENATOR DOLE: The U.S. Chamber of Commerce, the world's largest federation of business firms, chambers of commerce, and trade and professional associations, supports the Hatch Act, which protects federal civil service and postal employees from undue political pressure and coercion. The Chamber believes that no law should be enacted to permit solicitation of financial or any other form of support for political candidates, political parties or other political organizations from such employees. The Chamber specifically opposes enactment of S. 135, the Hatch Act Reform Amendments of 1989, now before the Senate.

S. 135 may well undo 50 years of protection of federal workers from political pressure by elected and appointed officials. The purpose of the Hatch Act was to separate this work force from elected leadership. It has protected these workers from exploiting their offices or being exploited by others. It has been a benign barrier to politicizing the federal work force. The Hatch Act has allowed only nonpartisan political involvement by federal employees.

The Chamber knows no compelling reason to amend the Hatch Act. While it is true that there are centain restrictions on federal workers' political involvement, it is also true that they are a unique group of employees. Their job is the efficient operation of the federal government, with equal treatment of all taxpayers regardless of political persuasion.

The U.S. Supreme Court has repeatedly upheld the Hatch Act's constitutionality and in 1973 declared, "it is in the best interest of the country, indeed essential, the federal service should depend on meritorious performance rather than political service. . . ."

The U.S. Senate should act to strengthen government by rejecting S. 135. Federal workers need and want a harassment-free workplace. The Hatch Act was passed to cure the serious problem of political coercion on the federal work force.

Sincerely,

DONALD J. KROES.

COMMON CAUSE,
Washington, DC, May 2, 1990.

DEAR SENATOR: The Senate is soon expected to take action on legislation to amend the Hatch Act which for 50 years has protected federal employees from inappropriate political pressures. Common Cause strongly urges you to oppose S. 135, the Hatch Act Amendments of 1989. This bill seeks to make basic changes in the current Hatch Act restrictions on partisan political activity by federal workers, opening the door to implicit coercion, and abandons the fundamental concept of an unpoliticized civil service.

The House-passed bill, H.R. 20, would repeal Hatch Act protections and for the first time in 50 years allow federal civil service and postal employees to participate in partisan political activity. For example, federal workers could run as candidates in partisan elections, serve as officers of a political party, raise partisan campaign contributions, manage campaigns, and administer political action committees (PACs). The only restraint is that the partisan activity would have to occur during off-hours. Common Cause opposed the passage of H.R. 20.

S. 135 also proposes major changes in the Hatch Act, lifting most restrictions on partisan political activity. Like the House bill, a federal employee would be permitted, among other things, to serve as an officer for a candidate party or a PAC, become a public campaign official for a candidate, and run as a delegate to a national convention. The Senate bill does prohibit federal employees from running for partisan politicial office and from soliciting contributions for partisan candidates. However, it allows government workers to solicit their colleagues for contributions for their own federal employee PACs.

Repeal of the Hatch Act's basic protections, as proposed in S. 135 would increase the potential for widespread abuse and open the way for implicit coercion against which there is no real protection. With basic restrictions on partisan activity repealed, no procedural or other safeguards will be sufficient to protect against subtle forms of political favoritism or coercion of federal workers.

It is important to recognize that under the current Hatch Act, federal workers are already permitted to engage in various political activities. For example, they may make political contributions to candidates, serve as rank-and-file members of political parties, and engage in nonpartisan political activities. It is only the most active levels of partisan participation from which they are currently barred. In drawing this line, we believe that the current Hatch Act strikes an appropriate balance between the federal worker's ability to participate in political activities and the public's right to fair and impartial administration of government.

Common Cause recognizes that the current regulations governing administration of the Hatch Act are complicated. There may be ways to clarify and simplify for workers the degree of participation they are permitted under the Hatch Act without lifting the basic restrictions on partisan activity. We would urge the Senate to instead explore this possibility. As a core principle, however, a careful balance must be struck between an individual's First Amendment right of free speech and association and the public's right to impartial administration of government. We believe S. 135 upsets this balance and would open the possibility of a dangerously politicized civil service.

The Hatch Act was designed to ensure that the federal government is administered in a fair and impartial manner. We agree with the U.S. Supreme Court which stated, in upholding the constitutionality of the Act, that "it is in the best interest of the country, indeed essential, that federal service should depend upon meritorious performance rather than political service. . . . "

Common Cause strongly believe this important integrity-in-government measure should not be repealed. We strongly oppose S. 135 and other proposals that would

repeal necessary prohibitions or partisan political activity by federal employees.

Sincerely,

FRED WERTHEIMER,
President.

Mr. DOLE. Mr. President, I did not mean to offer the amendment, but I have a duty to be on the House side to speak at 2:45. I could either set it aside or have the Senator present his argument.

The PRESIDING OFFICER. Does the Senator from Kansas yield the floor?

Mr. DOLE. I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I sometimes think people are considering a different piece of legislation here on the floor than the one that has been proposed from the committee and the one we are debating here, because S. 135 is Hatch Act reform. The statement was made that proponents of S. 135 say the Hatch Act is not needed. Nothing could be further from the truth. That just is not a correct statement at all. I feel the Hatch Act is still needed. I certainly am not proposing we do away with the Hatch Act.

What S. 135 does is it calls for fairness. It calls for fairness. It says if Americans do not have to have restrictions put on them for any good purpose then we will keep those restrictions just to what is needed. And what is needed is clarification in the current situation.

The constitutionality was brought up. I never have questioned the constitutionality of the Hatch Act nor has anyone on this side of the aisle as far as I know during this debate.

History, indeed, as the distinguished Senator from Kansas said, does show there have been political abuses in the past. Those political abuses were dealt with by passing the Hatch Act. Back in 1939, the days when the Hatch Act was passed, there were some 300,000 recently appointed employees in a much smaller Government work force and they were flat-out political appointees. There was not any doubt about it. They were expected to work politically. And that is what the Hatch Act was to address. It was to stop abuses such as were occurring then.

What grew up were a number of interpretations in the Hatch Act that came from old civil service law, prior to the Hatch Act even coming in in 1939. It is all those interpretations, and the others that have been made through the years since the Hatch Act was passed, that we are trying to make some sense out of now with this particular legislation.

What we say is, take all these confusing differences of what you can do on the job and what you can do off the job, what you can do publicly, what you cannot do publicly, a whole host of things that has left a situation like this. Those who would intentionally subvert the act to their own particular purposes can find a ruling or interpretation somewhere to do just about what they want to do, probably. On the other hand there are those who would inadvertently violate one of these interpretations of the Hatch Act not even knowing they have done it.

So all we do with this S. 135, it is very simple, we will try to clarify this. We clarify by saying, on the job, you cannot do anything on the job. Even some of the things that are permitted now you cannot do on the job. So that tightens up somewhat on the Hatch Act. Off the job it is a different thing. You should be permitted to participate as much as possible, with some protections still in there, but as much as possible, like any other American.

We still say, off the job, no collection of money, period. You cannot go out and solicit the general public campaign contributions at all, period.

And you cannot run for public office. That is prohibited under this legislation. We keep hearing references to things that I believe are in the House bill, so I hope we are not confusing those on the floor this afternoon.

It was stated that S. 135 seeks a lot of prohibitions. No, it just tries to make some sense out of prohibitions that are in there right now. We do not prohibit employees' right to vote or express public opinion.

Mr. President, the proposal that the Department of Justice, the Internal Revenue Service, the FBI, and the Federal Elections Commission be protected because these jobs are sensitive positions where information gained in line of duty, if you are an employee of one of those agencies, could be used in a way that was never intended to gain campaign contributions.

Mr. President, laws right now prohibit that and prohibit misuse of that information. The Department of Justice is not permitted to use internal information they have developed in their normal line of work to go out and do anything outside, let alone use threats in order to raise money. They, in turn, themselves at the Department of Justice can be locked up if they misuse internal information right now for any purpose outside of a particular case or whatever the information has been developed to do.

It is the same with the IRS. Does anyone think that right now the IRS, with the passage of S. 135, would suddenly be able to use information from your income tax return and come and threaten you with that information or action on that information if you did not make a contribution? The use of IRS information developed internally on the job cannot be used for any purpose outside. Right now, IRS agents can be locked up, as I understand it, if they do misuse that information.

The same with the FBI. They cannot develop information inside and then come out and use it outside for any purpose, whether for campaign contributions or anything else. The same with the Federal Elections Commission. The Federal Elections Commission has written some special prohibitions against that in their own internal administration already, and S. 135 would not change that one iota.

So what are the protections we need for the Department of Justice, IRS, FBI, and FEC? Under penalty of law, they cannot use any of that internal information from any of those agencies or departments for outside purposes right now.

It was asked: Could the boss then use this information to go ask for contributions? And the answer is no; absolutely no. He could not use it for any of those purposes at all, with or without S. 135.

The Civil Service System is, indeed, based on merit, and should be based on merit. There have been violations of that in the past. We know that. The statement was made we did not want partisan politics supplanting merit. I agree with that.

What we do with S. 135 is not change any of the basic protections. What we do is make some sense out of it by saying on the job you cannot do anything politically, period. Nothing. Off the job, you still cannot ask for contributions; you still cannot run for elected political office if you are a Government employee. But why should you then not be permitted anything else, as far as participating in the American political system, like any other citizen?

All this tries to do is clarify the myriad of over 3,000 rules and regulations and interpretations, all of which have been so confusing that they either let those who would subvert the system have a fertile field for operating or those who are within the system sometimes inadvertently making some kind of mistake because they did not understand a certain rule applies. It has been that complicated.

Mr. President, the distinguished Senator from Kansas referred to the bill 15 years ago, and I submit that the bill that was being considered 15 years ago is a very different bill than the one we have before us now. At that time, what was proposed was a bill that would have allowed, specifically allowed, Federal employees to solicit money from the general public. That was a far cry from what we are trying to do here today.

I just believe the Senator from Kansas was just not correct in his remarks when he said that if this passes, the IRS could solicit campaign money under the terms of S. 135. They cannot. That just is flat not the case. It does not permit that.

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Mr. President, I agree with my distinguished colleague from Kansas that we need full public confidence in our Federal system. I do not agree that public confidence would be reduced if S. 135 passed. In fact, I think public confidence would be increased, because then we would have on the books legislation that clarifies all these thousands of different interpretations and rulings for the first time.

It makes it a workable bill. It makes it so people cannot deliberately misuse the Hatch Act, nor will they be likely to inadvertently make a mistake under the Hatch Act. So when you clarify things, it seems to me that public confidence is going to be increased, not decreased.

Letters from organizations were mentioned. I appreciate that. There are letters on both sides. At the appropriate time, we will print a number of letters in the RECORD also from a number of organizations who are concerned that we do pass this; they feel it is high time we finally bring some clarity and common sense to the Hatch Act and how it has been administered.

A statement was also made that this would expand fundraising activity that would benefit the PAC's. S. 135 does not really change the ability to raise money or not raise money under the PAC's. We still come under, basically, the same rules. It still says raising money for PAC's, as is provided now, if you are a retired member or elected leader of an organization, you can ask a fellow employee to contribute to that PAC if you are both members of that organization. I do not see that this really changes things that much.

The amendment 15 years ago, it was stated, would be changed in such a way that the Hatch Act would be weakened and would permit the CIA to be involved in politics. Not true. That the IRS could now, if we pass S. 135, be involved in politics. Not true. It does not do that at all; the FEC, Department of Justice, all four organizations—CIA, IRS, FEC, Department of Justice—could be involved in politics if S. 135 passes, and that just is flat not the case.

It was stated they have access to specific and special information, and it could be misused if S. 135 passes. But nothing could be further from the truth than that. Any misuse of information gained in those agencies on the job could not be used against anyone outside for any purpose because that is prohibited under another law right now that has nothing to do with the Hatch Act.

So anyone who is in one of those agencies would be violating other law than the Hatch Act if they ever tried to use any of that information for any other purposes.

Mr. President, for all those reasons, I oppose the amendment by the distinguished Senator from Kansas and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GLENN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Mr. President, I would like to make a few additional comments with regard to the statement and the amendment submitted by my distinguished colleague from Kansas, the minority leader in the Senate.

Mr. President, the claim is made that employees should continue to be "Hatched" because they have access to extremely sensitive information and there is the possibility they can misuse it for political purposes; sensitive information that these employees are privy to make them inherently threatening to the general public, and, if you had to say no to them, that would be a little bit difficult.

Mr. President, last year the Governmental Affairs Committee asked the American Law Division of the Congressional Research Service to comment on the issue of agency regulations subsequent to our proposal to reform the Hatch Act. There are several agencies which might merit special attention in the area of allowable political activity and agency missions. Perhaps the most notable example is the Federal Election Commission, which has its own set of separate political rules.

The Congressional Research Service responded to the committee's request with the conclusion that Federal agency rules, even if they reach beyond the provisions of S. 135 and limit first amendment rights, are legitimate if closely drawn within the context of statutory functions and duties of an agency.

Mr. President, that CRS study cited the regulations of the Federal Election Commission as an example of agency regulations which restrict employee political activities even beyond current law, beyond Hatch Act provisions. The regulations of the Federal Election Commission provide, for example, in section 57.11, Political and Organization Activity:

A. Due to the Federal Election Commission's role in the political process, the following restrictions on political activities are required in addition to those imposed by the Hatch Act, 5 U.S. Code 7324:

1. No commissioner or employee should publicly support a candidate, political party, or political committee subject to the jurisdiction of the commission.

No commissioner or employee should work for a candidate, political party, or political committee subject to the jurisdiction of the commission.

Commissioners and employees should be aware that contributing to candidates, political parties, or political committees subject to the jurisdiction of the commission is likely to result in a conflict of interest.

The Central Intelligence Agency, on the other hand—another what one might consider a sensitive agency—has not prescribed any special restrictions of its employees' political rights. Therefore, CIA intelligence employees in sensitive jobs can right now, if they want, wear political buttons on the job, put bumper stickers on their cars, signs in their front yards.

We defeated an amendment in committee to exempt Federal employees who are engaged in intelligence activities from the provisions of S. 135. The vote on that was 8 to 5. This amendment was defeated for several reasons. There are already numerous statutes in titles 5 and 18 of the United States Code which provide criminal and civil penalties for the misuse of classified or confidential information by any Federal employee. They have nothing to do with the Hatch Act or with S. 135, and nothing in S. 135 will affect those prohibitions and those penalties. That is in law now.

Furthermore, I want to point out that the people with the greatest access to sensitive information, the agency heads, the Secretaries of Departments, Presidential appointees confirmed by the Senate, are currently exempt from any Hatch Act restrictions and can participate in political campaigns and fundraising activities fully. That is provided for now. In addition, the identities of CIA and other intelligence employees are closely protected, and it is not reasonable to expect these employees to go around broadcasting their identities when participating in the political process.

We defeated the amendment because S. 135 is a very moderate proposal. S. 135 strictly prohibits all Federal employees from using his or her official influence or authority in this way. For IRS auditors, specifically 26 U.S.C. 7214, provides penalties for anyone who:

• • • demands or accepts or attempts to collect directly or indirectly as payment or gift or otherwise any sum of money or other thing of value except as expressly authorized by law.

The penalties are:

To be dismissed from office or discharged from employment and, upon conviction thereof, shall be fined not more than $10,000 or imprisoned not more than 5 years, or both.

Let us suppose an IRS auditor wants to misuse someone's tax return for political purposes. Again, 18 U.S.C. 1905, 2071, and 5 U.S.C. 552(a) provide criminal and civil penalties for the disclosure of confidential Government information, and 26 U.S.C. 6103 specifically prohibits the disclosure of tax return information.

While that IRS tax auditor can wear a campaign button on the job today, he or she could not wear a political button while working, if S. 135 is enacted into law.

Mr. President, the fact is that 41 State governments now have more liberal Hatch Acts than the Federal Government. Those States collect taxes, and they enforce the law. There are few bits of evidence that those State employees in sensitive positions use their position to influence political activity.

Mr. President, the purpose of S. 135 is to clarify the confusion and the illogic of current law governing the political activities of Federal and postal employees—to make the law fair, to make it workable, make it one where all the confusion surrounding the myraid interpretations no longer exists, by stating very, very clearly what can be done on the job, and what cannot be done on the job, which is, nothing political can be done on the job.

We also clarify what can be done off the job; no fundraising, no running for elective political office.

Mr. President, at the appropriate time tomorrow, when we have votes, I will move to table the amendment of the Senator from Kansas.

I suggest the absence of a quorum.

I withhold that request.

AMENDMENT NO. 1587

(Purpose: To delay the effective date of the act until bans on PAC contributions and soft money are enacted)

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. SIMPSON. Mr. President, I thank the Senator from Ohio. I listened with interest to his remarks and know the sincerity that he brings to the cause in every sense, just as he does with every issue with which he is involved.

In accordance with the unanimous-consent request previously, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is laid aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. SIMPSON], for himself and Mr. DOLE, proposes an amendment numbered 1587.

Mr. SIMPSON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 9, after line 5, inset:

(d) In no event shall the amendments made by this Act take effect before the date on which there is enacted into law provisions—

(1) which prohibit contributions or expenditures for the purposes of influencing an election for Federal office by any person other than an individual or political party committee; and

(2) which prohibit contributions or expenditures to be made in connection with an election for Federal office, unless such contributions and expenditures are subject to the source and dollar limits, and the reporting requirements, of the Federal Election Campaign Act of 1971.

Mr. SIMPSON. Mr. President, I rise to propose an amendment to S. 135. The bill, of course, would revise and reform the Hatch Act. I did not use the word "repeal." I understand that has a very negative connotation to the sponsor. Therefore, revisions and reform I believe is the appropriate phrase.

I offer this amendment out of great concern for the bill, which is really in dire need of amending, more so, I should say, than is the Hatch Act itself. In this "frenzied rush"—and of course I have heard that term used especially on immigration reform. We had not done anything for 35 years but they said it was a "frenzied rush to judgment." This is a frenzied rush to judgment after 50 years of a law being on the books.

But, in this rush to reform, and revise this 51-year-old Hatch Act, we have heard any number of justifications for passing this bill. But when you get right down to it, of all of these various and sundry reasons, they can really be all boiled down into two. The first being the allegation that the Hatch Act represents an abridgment of first amendment rights. That has a real ring to it. The second being that the Hatch Act is too confusing and, must be simplified.

I will grant some proponents of S. 135 this much—there certainly is some confusion about the Hatch Act. I would say that those who are crying "first amendment" on this one are either confused themselves or are surely trying to confuse others, because the Hatch Act does not abridge the freedom of political expression of any Government employee, nor does it abridge any other first amendment right. But that opinion does not originate with me. It is the judgment of the U.S. Supreme Court which for over half a century now has declined to strike down the act. On two occasions they ruled that the act was constitutional, even that it was necessary—more than constitutional; it was necessary.

In 1947 in United Public Workers versus Mitchell, and in 1973 in U.S. Civil Service Commission versus Letter Carriers, those were the cases.

Let me quote one sentence from one of those decisions:

It is in the best interest of the country, indeed essential, that Federal service should depend upon meritorious performance rather than political service.

I ask my colleagues to think about that for a moment. During that period of great leaps forward in all facets of the first amendment protection, our very highest court in the land saw fit to leave the Hatch Act untouched, untrammeled.

So we are left with a rather astounding claim now by those who call the act an abridgment of first amendment rights that somehow the Warren court, which was probably more attentive to so many rights of our citizens in those years, would not even take up a case challenging this act—and they would not—was unable to discern all of these ways in which the Hatch Act infringed upon basic democratic freedoms, and it is thus up to the 101st Congress to now correct them.

Now, come on. That certainly sounds confused to me. It prompts the question as to where that confusion is coming from. But it is out there, no question about it. Some certainly feel that they have a pretty big stake in spreading it around.

I know there are folks out there who think they are not permitted to participate in the political process, and that the sole reason for that is the Hatch Act. The Hatch Act is to blame. I meet with them all the time. Postal workers, for example, come to my office to say, "Senator, boy we want to get involved in our great political system, but because of the Hatch Act we cannot." That is what they have been told by somebody. That is what they believe. That is pretty sad.

So I have a standard response to that. I ask them just what it is they would like to do that they believe they cannot do. I have then a list always ready of activities which are permitted under the Hatch Act.

After I finish telling them that they are permitted to be politically active in the manner in which they mentioned, I then read the rest of the list. Here is what they can do. They can register and vote; they can register voters; they can express political opinions; they can participate in political campaigns where none of the candidates represent a political party; they can contribute money to political organizations; they can attend political fundraisers; they can wear political badges and buttons and display political stickers; they can attend political rallies and meetings, join political clubs and parties, sign nominating petitions, and campaign regarding referendum questions, constitutional amendments, and municipal ordinances.

Do you know what they do after I read them that list? They look at me with astonishment and say, "we can do all those things?" That is the invariable reply. And the answer is," yes, they can, and a lot more" There certainly has been ample political participation by civil servants during this particular debate. I can tell you that. Do not go out in the hall; you will get

your shoes ripped off during the debate. There they are just lined out across this expanse into the next marvelous piece of public ground. They are in it hip deep.

So I read them the list, and they listen and there certainly has been a unique and remarkable amount of political participation by civil servants during this particualr debate. Is anybody missing that? How curious this is. That is what is allowed under current law. That is just the way it should be. When we go through this phalanx as we leave our Chamber, there they are, the citizens petitioning their Government. That is perfect, and that is the way it is, and I like that.

Last Wednesday the Washington Post ran a story about the National Association of Letter Carriers contributing $769,000 to political efforts last year. It does not sound to me like any poor souls are being excluded from the political process by the Hatch Act.

So the issue here is not political participation or the first amendment or freedom of expression. It never has been, my colleagues. The issue is coercion. That is the issue. There is no other issue. The others are just a tissue of things tacked together to give it a good old taste.

The issue is coercion. Coercion of Government employees to perform political activity, to be quite specific. We tend to forget that, because we have not had to worry about it since the Hatch Act was passed. But at one time, Mr. President, we sure did have to worry about it, and that is why the act was passed.

Years ago, my dear father was elected Governor of Wyoming, and he served here in the U.S. Senate, and I remember that campaign so distinctly. I referred to it a bit in previous debate. The minions of his party, Republican, went through the parking lots of the State Capitol to be sure that they had observed who had ripped off the bumper sticker of the opposing candidate. Who had been involved? Who had given a dollar or $5 to the campaign?

I remember one of the Republican faith coming up to him, one of his political allies that helped him get elected, and he had a list in his hand, and he was trembling with anticipation and glee, and he said, "Here is the list of those people who ought to be sent packing." My father asked why they should be dismissed, if they had been there 20 or 30 years and they were good workers. Why should that be? I know that is an unheard of thing for a politician to say. He was told simply that even though they were darn good workers, and some of them had received many awards, they had been on the other side. That is all. It did not matter one whit how good they had been or how poor they had been; they were on the other side.

I am proud to say that my father refused to take any part in that game. He was later defeated as he ran for reelection. Part of it, I am sure, was that he did not favor the death penalty, which is a pretty hazardous place to be when you represent the State of Wyoming. But you better believe that plenty others were ready to play that game, even though he was not, and the game was played. They rolled them out of that State capitol in spades. Before the Hatch Act was passed, that was the way the game was played. It is called coercion. There is no other fancy or less fancy name for it.

So these folks who come to see me, who are worried about political expression, the first amendment—and I commend them for seeking full participation—should also be really thinking of one other thing. They should be plenty worried about their jobs. They should not really worry about this and what they are doing up here redressing and petitioning their Government. They ought to worry about their jobs, if this bill becomes law, because some very mysterious and subtle little things will happen.

It does not matter how you outline coercion in this bill, and I have read that. It is a nice idea, a thoughtful idea. It should not give anybody too much pleasure that it will work, because it will not work. These mysterious things will start happening to these people when we make these changes in the Hatch Act.

They might not be told in any sense that they must solicit political contributions come election time. They will not be told that. I suppose they will sign papers and do all sorts of remarkable things to assure that. But those that do solicit political contributions at election time, off duty, and score up their little list and hustle on down to their superviser with it, and then they will get their brownie points. I can tell you that those that do this are going to start getting some remarkable assignments, which are a little bit more desirable, and they are going to get promoted a little bit more swiftly. The rest of them are going to get a little smaller office, the worst assignments, no window on the Mall.

That was a nice office you had, perhaps, but no more. There will always be some other reason for it. Always. Like poor old Fred, he just does not work as hard any more as he did. Or he is not a team player. Or, gosh, he lost his zip. Or he is not willing to go the extra mile. Or, gee, he was one of my favorites, but I do not know, he is just not like he used to be. That is the sort of thing we will hear, and it will seem perfectly reasonable and perfectly legal.

Mr. President, I am not conjecturing. I am stating that that is exactly what did happen before we passed the Hatch Act to protect our Government employees. Lobbyists for Hatch Act reform believe that times have changed. We have heard that ringing comment. Times have changed, and protection from such abuses is no longer necessary, thank heaven, in this enlightened age. Well, times have changed, but human beings have not. The ones that have really not changed and have increased in intensity are partisan pinheaded people that you and I know all over the United States.

Times have changed, but only because our institutions have changed as a result of the Hatch Act. Human nature has not changed. There are some very small-minded politicians, pinheaded yahoos, small-minded Democrats and small-minded Republicans. Weasel-like political people will take the latitude, and they will run with it. And it will be the latitude that we will give them in this legislation, and they will use it, and they will abuse it like a large club with a nail right in the end of it. They will use if for raw political purposes, at the expense of some pretty fine public servants.

Look at some of the polling being done now. I think it will help us when we get to the sustaining of the veto. When we pick up about three or more votes, and we will be able to give this one a burial at sea. The real sincere public official does not want this at all. Seventy percent, sixty-five, pick your poll. They do not want this change.

Who does?

Well, you have seen them right out here in the wall. Their eyes are kind of glazed over and they are raring to go, cannot wait to get into the saddle and ride right on into the night. They are going to use it and they are going to abuse it. Humans are remarkable creatures, but they are no closer to moral perfection in politics and whacking on the other side of the aisle, especially in public employment, than they were 100 years ago when the abuses came which necessitated the Hatch Act and put it on the books. The abuses lasted for 45 years and they were appalling. The people of America were appalled by the those abuses.

There are a few postal employees, I am certain, who chose not to contribute to the $769,000 pot which the National Association of Letter Carriers collected last year, and they did not have to think twice about it when they did not kick into the pot. But under S. 135 workers would be allowed to ask fellow union members for campaign contributions to political action committees, to PAC's, off duty. Of course, no one would dare do that by the watercooler. We know, of course, they would not, purity being what it is, pure as the water in the cooler. When your boss mentions at a weekend

picnic that you might want to contribute some money to his favorite PAC, it does get your attention, I think, without threat. Just its mention. Surely, you cannot believe that that will not happen.

Who does not know that the $769,000 pot is going to get a lot bigger under that system? That will be the pot at the end of the rainbow, and it will be filled. Out in the private sector it sure happens, too. Let us not leave that out. Certainly it does happen. There is no getting around it.

Businesses do take political stances and enlist the support of their employees. And who is to say whether some of that support is not very reluctantly given out of a belief that it is better to be safe than sorry? But when this starts happening in government, it is an abosolutely intolerable situation. When it happens in business, it is bad enough. But when it happens in government, it is absolutely intolerable.

We can argue about how political leanings to various corporations may tangentially impact the general citizenry. But the citizen's right to impartial administration of government is absolute. The Internal Revenue Service and the Post Office, for example, are there to serve all of us in the population with a "D" behind our names, or an "R" behind our names or a "I" behind our names. And every citizen must believe that governmnet employees are absolutely neutral in the performance of their duties. That is not some novel principle. We can all relate to that.

The man or woman who goes in for an IRS audit should not be met by some fellow sitting behind the desk wearing a Dukakis button or a Bush button or a Simpson button, either. It is not the first amendment at stake, and it is not being able to participate in your government. It is called coercion by small-minded people. No amount of integrity displayed by that person is going to be able to overcome the appearance of bias, plain old political bias. I think all of us ought to be very concerned about that.

So that leaves me wondering what possible reason there could be for passing S. 135 this time. Those who know the Hatch Act know that is constitutional and, therefore, does not violate first amendment rights in any way. But, boy, we have had that pumped in our head now for the last few years.

The spoils system reigned in this country, in American politics, before institutional changes such as the Hatch Act were put in place. It redressed some of the excesses and unfortunate chapters in our history—like Tammany Hall, rule or ruin. That is why the Hatch Act came about.

The Hatch Act has been indispensable in insuring that government functions are administered in a very fair, unbiased, nonpartisan, and impartial manner. What possible purpose other than election year politics could such a remarkable revision and reformation come upon us in these enlightened times? Pressure—Pressure with a capital P, that is what this is, nothing more, not one shred more. The possibility that PAC's are going to go down the tube and the hypocrisy of ringing up the scorecard on this side is what this is all about.

Well, let us be honest in the debate. Let us talk about pressure, plain, old political pressure. As to a lot of these Federal unions, the employees are right here, they all live here—they are in the District of Columbia, they are in Virginia, they are in Maryland and they can clog up the place in minutes. They are good at their craft. Pressure, political pressure with a 1990 election year twist. Is this election year politics? Sure. What else?

It did not come up in 1989; it did not come up in 1981; I do not remember it in 1983. I have been here 12 years. It just lies there until election year.

So repeal of the Hatch Act—and we will not call it that, we will call it reform and revision of the Hatch Act—along the lines of S. 135 would enable Federal employee union members to solicit campaign contributions from one another. That is what this says and they most assuredly will and, as I say, that little, old pile of $769,000 collected last year is going to swell and grow and we know perfectly well where it is going to go.

Now we get into the realities of a little touch of partisanship here. The political action committee contributions from the American Federation of Government Employees, the American Postal Workers Union, the National Association of Letter Carriers, the National Rural Letter Carriers, the National Treasury Union Employees, the National Association of Postal Supervisors, the National Association of Postmasters, the National League of Postmasters—and get this, the postmasters have two organizations. Do not ask me why. I guess one wants more than the other one. I do not know. But there is some reason. There must have been a falling out there.

When taken in combination, those groups I have just described have expressed mailed 88.1 percent of their moneys to the Democrats in the years 1987 and 1988. Now we can get down to some silly old facts here. I hate to do that, but I think we ought to, which, to tell the truth, was a more evenhanded distribution in 1985 and 1986 when 92.2 percent of the moneys went to Democrats. Now that is what this bill is about.

And they do have a unique way of giving to Republicans every once in a while, but only if the Republican is so far ahead you could not catch him with a freight. Then they give money, 2,000 or 4,000 or 5,000 bucks to any poor wandering Republican who is in the polls up 75 to 25 percent.

That is the way they play their game. That is not news to anybody here. The actual figures might be, but the qualitative truth of that is well known to us all.

If we give the go ahead to those who seek to lean on our civil servants to contribute to these PAC's, we are going to fatten considerably the coffers of the Democratic Party. I assure you that the Republicans will be treated like poor relatives, in spades.

So I hope we do not have to hear too much more about patriotism and good government being the primary motivator. I just shared with you the figures and these are the heavy hitters. They are the persons who are at the town meetings. The irony of it is, if the bill becomes law some of those are going to lose their job because they were not pure enough or in tune enough. They were just doing their work; they did not dream somebody so small minded could give them the old deep 6, but they are going to learn that. Those are some things I want to share with you.

You know we should not attribute 100 percent of the zeal which so many have to reform the Hatch Act to the political profit which the Democratic Party stands to reap for the enactment of this bill but we should not shy away from the facts either. The impact on the upcoming elections will be very real and it will be sizable. Whether intended or not this is a bill with awesome political ramifications and the most awesome ones are against the party that I am proud to be a member of for all of my political life.

Now there is a substantial motivation for the Democratic Party to be off and running right now, to be seeking at this time all of the help they can get.

There is a reason. For the first time in generations, a plurality of Americans have identified themselves as Republicans—48 percent, according to the figures released in March, as opposed to 43 percent calling themselves Democrats; 41 percent of Americans now identify the Republican Party as the party most able to deal with problems facing the United States as opposed to 29 percent naming the Democrats.

That is undoubtedly of rich and serious concern to many in the Democratic Party, as it would be to anyone in that situation. I am certain that they would welcome the additional influx of funds that would be the result of passing this legislation. Who would not?

I do hope my colleagues on both sides hear me out on the matter because those facts do represent and present a problem to this legislative

body. Here we are in the midst of a great debate about another great issue, campaign finance reform. That is the next locomotive on the track. We have election ethics legislation before us which will establish spending limits on Senate election campaigns, prohibit PAC contributions to Senate candidates, ban the use of soft money which is now being referred to as sewer money. I am helping to do that.

I am a beneficiary of PAC's. It is an election year for me and, I presently get my share of PAC contributions, but they are connected with Wyoming; they are connected with oil and gas and mining and industry and agriculture. But I have a hunch that we are going to get rid of PAC's this year, at least in the Senate. I do not know if the House would ever unleash itself from a dependency on PAC's. But I have a hunch that when the heat comes on from the American public, they are really going to begin to scratch and claw, because they are a pervasive influence and they have lost their way. PAC's have lost their way. They use to make contributions to support somebody with ideologically shared views. Now they just give to anybody who is an incumbent regardless of how they vote.

We ought to help them find their way. We will just close off the exit from the woods, because they are lost in there. So we will cut them off. We will get rid of soft money and phone banks that get cranked up on the edge of towns to whack it on the old Republicans. We will have some fun with that.

So, here we go. We are going to deal with contributions for activities which affect Federal elections and undercut negative campaign advertising. We are going to talk about the cost of campaigns. That is coming up next week, our leader tells us. We are probably going to delay the effective date of campaign finance legislation because we do not want to do anything here which will unduly affect the election immediately coming up. In fact, some of the horror stories I am grasping from those on the other side of the aisle go like this: "Good lord, can't we set that back until 1994 or 1992? Get the heat off of me. I don't want to get ground up in that process."

So that is fine. We'll set that up for 1992 or 1994, but we'll do the heavy lifting this year. I think we are going to get that done. There is nothing wrong with that. But when people look at this vote on campaign ethics, we do not want them to be able to say we were inappropriately influenced by our own reelection prospects when we were drawing it up. And that is what this legislation does.

For the same reasons, we cannot in good conscience implement any sweeping revision of the Hatch Act under these same circumstances. I personally doubt the necessity of passing S. 135 at all, obviously, but there is no way you can honestly pass this now and implement it, and leave campaign finance reform to take effect later on. The public is going to see right through that one. That is a total inconsistency. Here we are working on this legislation to eliminate PAC's, at some date after these elections. At the same time we are getting ready to pass this bill which is going to fatten up one party's PAC contributions just in time for the same elections. There is one thing the American people understand; it is called fairness. There ain't nothing fair in that game at all.

This body cannot even approach the appearance of sincerity and openness and candidness on that basis. The public is going to ask us why we felt it was necessary to give those PAC's a big boost in the rear right now, leaving their legislative death to take place in the future. Come on.

I would like to quote from a speech given in this Chamber by our present distinguished Republican leader back in 1976 when he carried our banner. In it, Senator BOB DOLE warned of the danger of implementing a

> • • • drastic alteration of long-established principles in the midst of a campaign period, and only months before a major national election takes place. At best, a good deal of confusion would result among Federal employees regarding permissible political activities. At worst, serious violations of prohibited campaign activity would occur on a wide scale, endangering the careers of Federal employees and the outcome of some elections. It is important that congressional approval of this bill neither now or later be construed as having an inappropriate impact upon the November 1976 elections.

The Republican leader was as persuasive in his oral arguments then as he always is now. He was absolutely right in questioning the propriety of taking such drastic action in the midst of a campaign season. The real pro does not want a thing to do with this. The real guy who does his work for this Federal Government—and we do bash them, we all bash them, the bureaucrats, but I notice that we are willingly with them most of the day talking about things with our constituents, striving to see if we cannot get something done, whether we are dealing with the Interior Department or Justice or Energy. The real pro who works here in Washington and out in region 8 or region 4 does not want this bill. He or she does not want to see those goofy 100 percent partisan people wander into his shop and mess him up. He does not want that. She does not want that. That is just exactly what they are going to get. They are going to get it in spades.

For similar reasons I am introducing this amendment which will delay the effective date of this legislation until the reforms regarding PAC's and soft money, sewer money, which we expect to pass as part of campaign reform take effect. I think that S. 135—whatever you call it, revision, reform, not repeal, enlightenment—is a very, very bad idea and will result in no end of mischief, just plain mischief. And that will be the lightest word that applies.

It is going to result in the destruction of careers, of people who suddenly, for no reason—mind you, there will never be any fingerprints on these activities—fall along the wayside. All because they just did not quite do it like they should.

Well, I hope that the proponents of the measure would at least pursue a consistent policy of not taking action which will directly influence the outcome of the coming elections. Because that is what this will do; boy, will it.

It is the fair and the right thing to do. It will enhance the credibility of this body in our efforts to straighten out the campaign ethics laws. I ask my colleagues to give full consideration to these concerns, and I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. GLENN. Mr. President, my distinguished colleague from Wyoming talks about "Let us deal with the facts." And that is exactly what I want to do. Because the facts are that it does not materially affect the fundraising capability in any way for political action committees.

My distinguished colleague and I talked briefly here on the floor the other day about what this act really provides. The facts are that the ability to collect money under S. 135 is not changed one bit from current law. We do not change that.

He may be referring to the House bill. This is not the House bill. This bill prohibits any Federal employee still from running for a political office per se, and it specifically prohibits asking for contributions or soliciting contributions from the general public.

The facts are that this does not change the ability of PAC's to raise money at all. All this great wave of money that was put forward here—that if we have $796,000, oh boy, just wait and see what comes up after this passes—that money was raised under current law, and S. 135 does not address that at all except to say that whatever law benefits whoever right now continues in effect right now. So that does not change.

It does not change for the Chamber of Commerce or the unions; it does not change for anybody they may choose to give their money out of those multicandidate PAC's.

A great thing was made about the Government employees' unions that contributed the percentages they contributed to Democrats and Republicans and how, if you like that, just wait until you see what happens under

S. 135. Well, S. 135 does not change that.

Mr. President, I, too, want to see campaign reform. I want to see it very much. We are putting together those campaign packages on both sides of the aisle and, as I understand it, in just a few days when we dispose of this particular legislation, we will then be considering what limitations we want to make on campaigns: campaign finance reform, ethics reform, and whatever.

At that time we will deal with the soft money and whether PAC's will be voted out, whether there will be limitations placed on them. But that is not addressed with S. 135, and we are mixing apples and oranges here. We are mixing two different things.

My distinguished colleague says this is a frenzied rush. What has happened is we have had hearings for several years on this. Every time it came up in hearings, we heard all these horror stories about how there were so many interpretations of the Hatch Act and the rules and regulations under it that nobody could make sense out of it, so people really did not know, sometimes, whether they were violating a particular interpretation or not.

And, on the other hand, those who had wished to interpret for their own nefarious purposes in a particular direction could find some way to do it.

So we asked OPM to clarify these things. They could have done it if they had wanted to. They have had several years, and nothing has happened.

So we finally decided to take this very modest action that we had taken in S. 135. Some of the dire consequences my friend from Wyoming points out in this, I do not know where those things come from. But they are in no way intended, nor will they happen, as I see it, under S. 135. Particularly, if S. 135 passed, he implied, we would go back to the spoils system. In an election year, this was a political measure only. There was pressure with a capital "P" that would be exerted to raise all this money.

This does not change the ability to raise money. This does not alter it, and no amount of saying that it does will change the facts.

We do not change the PAC law that says PAC's are legal, and we do not change the fact that certain persons within a PAC can ask other persons in that same organization for a contribution to that PAC. But they cannot go outside. They cannot go to the public and put the pressure on them for a contribution. That is just not what S. 135 does. So I think there is a great deal of misunderstanding here about what S. 135 does.

The issue of constitutionality keeps coming up. I never questioned that, nor does anyone that I know of, and nothing in S. 135 addresses the constitutionality or tries to change that one bit. So that is a straw man, as far as I am concerned. I do not know why that keeps coming up, for speaker after speaker here on the floor, that we set up this constitutional thing and how we are trying to change that with S. 135. That is just not the case. We do not adress that at all.

The Court has ruled that the Hatch Act is legal. I agree with that, and agree with the Court 100 percent. We are not trying to change that. Constitutionality is not at issue here at all.

What has been at issue is that we have had a very confusing Hatch Act. The Hatch Act is supposed to back up the civil service merit system, and that is exactly what we want it to do. We hoped we could work out some of these conflicting differences in the interpretation of the Hatch Act, but that does not seem to have been the case. So we are addressing it with S. 135, this legislation.

The issue, we are told, is coercion, so that Government employees can go out and be political hatchet men of some kind. And I firmly admire the father of our distinguished minority floor leader in that he would not go along with some of those things being proposed. But the statement then is made that people are going to have to worry about their jobs if S. 135 passes; that some mysterious thing will happen, that there will be forced contributions.

I do not really know where that comes from because nothing in S. 135 changes the ability of anybody to make forced contributions. In fact, we continue those prohibitions against going out and leaning on anyone in the public. The only thing that is permitted is if you are a member of PAC, you can ask somebody else for a contribution to the PAC. That is just people inside the same organization.

It does not change the PAC's ability to raise funds, and that does not change for the chamber of commerce or any of the national business associations. It does not change for the labor unions. It does not change for anybody. That is the way the PAC's run right now, and we are going to have legislation, as my colleague says, on the floor shortly to address that. We will debate the limitations on PAC's at that time, and properly so. I expect to be active in that debate.

So, you cannot make these forced contributions. No one, if we pass S. 135, will be given additional authority to go out and push for contributions from anybody that all PAC's are not free to solicit contributions from right now.

I repeat once again, I think there is a great deal of confusion between what the House has passed, where they specifically permit political contributions to be solicited, and where they specifically permit people to run for public political office. We do not do that in this bill. So let us debate S. 135 and not the House bill.

My colleague said we have had 51 years of the Hatch Act, and that is correct. It has served us well. We passed it in 1939 at a time of great need. There was a spoils system before that. Everyone recognizes that, admits to it, and the Hatch Act was supposed to correct that.

What happened through the years? A lot of the things were rolled into the Hatch Act from the old civil service days, and some of the interpretations that caused a great deal of confusion have been corrected; a lot have not. I have read into the record a number of times in this debate, and I will not repeat it now. Some of the things still on the books as to what you can do on the job and off the job—yard sign; you can go to a political rally, stand there, and not do anything else. The Hatch Act was interpreted to mean you could not attend a caucus in a State in one case and a whole host of things I have read into the record a number of times that are still in issue and have not been straightened out yet. That alone is what S. 135 is supposed to do. It is not supposed to solve all the problems of campaign finance reform. It does not change those. It is not supposed to change all the PAC law that needs changing. Sure, I agree with my colleague on that. This is not addressed to that. This is a different piece of legislation, a different subject. Are they related? Sure, they are related. But we deal with this now, and we deal with that when it comes down the pike, which I understand will be in a week or so, as soon as we dispose of this.

It was stated how would you like to sit across the table from an IRS auditor wearing a Dukakis button who is looking at your tax return? Now that is a good one, because let me just address that, under S. 135, if I could.

What is the situation right now? The interpretations of the Hatch Act right now prohibit a person from dealing in political activity on the job, but—and if I could have my colleagues' attention for one moment—but that person under current law can wear a campaign button, that IRS agent can wear a campaign button and sit there and, if he is for Dukakis, you would be sitting there looking at him with your Bush button on, and what do you think you would get? I do not know. I hope you would get fairness. Is there a little bit of partisanship exhibited there? Yes.

Under S. 135, that person is not permitted to wear a button on the job. So this would correct the very inequity the Senator from Wyoming is talking about. So we are correcting that one that gave the Senator from Wyoming a lot of heartburn a while ago. I would not want him staring at a Dukakis button, so we are going to correct that

for him in S. 135. I guess he will be grateful and maybe willing to vote for S. 135 once we make clear what it does and does not do.

We heard repeated again that the Hatch Act is constitutional and does not involve the first amendment. I agree with that. The wretched history of our spoils system, which I also agree with, and with Tammany Hall, and I am sure we could add a few other cities to this where the cities had spoils system problems, but S. 135 is not election year politics. S. 135 is trying to bring some clarity out of the Hatch Act so we will know what we are trying to live up to or where we may go wrong in making an error and creating a violation of existing regulation or law or interpretation.

The Senator said he would like us to be honest that what this is about is pressure in a 1990 election year. What this does is clarify things so we will know what applies in an election year and every other year. I repeat once again, the facts are that whether it was 1981 or 1983 or 1989, or whenever that PAC's made contributions both on the Republican side, the Democratic side, or whatever sources, that this does not change that ability of PAC's to raise money one bit. It does not make it easier; it does not make it harder. We will address that in other legislation.

Will campaign contributions be possible from one another—from one another, were the words—within PAC's, within members of those organizations that have PAC's? Is there campaign solicitation done to put money into those multicandidate PAC's? Yes, there is right now. If we are going to change that, let us change that as we debate it on the floor next week. But would S. 135 change that and make it more possible for the unions that were named to raise money? It would not change that one bit. I repeat once again that I think what is being referred to is the House version of Hatch Act reform which goes a considerable distance beyond anything that we provide in S. 135.

I share the concern of my distinguished colleague when he talks about soft money and ethics and campaign finance reform, but that legislation will come in its own time. What we are trying to do now is deal with the existing Hatch Act. We do not open up the floodgates. We in no way propose that additional fundraising capability be provided. In fact, in this legislation, we specifically prohibit any Federal employee going out and publicly soliciting money. The only money that could be solicited would be within the PAC membership; and that is all. If we are going to change that, let us change it as we take up changes in the political action committee structure or limit them when that legislation comes along in a few days.

The statement was made why give PAC's a big boost with S. 135? As I said, it does not do that. I addressed earlier in the debate today, I believe, before the distinguished Senator from Wyoming was on the floor, the Dole situation when he made some speeches on the floor regarding the Hatch Act back in 1976. That was at a time when the Hatch Act was going to be virtually put out of existence. It was not completely eliminated, but it was really going to be gutted. That is what was being addressed at that time by Senator DOLE. So I do not think the same situation applies today.

The amendment which would delay the effective date of S. 135 until the Campaign Reform Act is passed I do not believe is warranted, I say, any more than we would tie a lot of other things on here, too.

As far as one of the final remarks, I believe was made, regarding S. 135 would be the destruction of careers, I submit just the opposite. I say now people are going to know what the law is, and we are going to sort out some of these interpretations of it. We are going to simplify things so that the destruction of careers is less likely going to happen than people inadvertently stumbling into a violation of the Hatch Act because they do not know the correct interpretation of the law.

Mr. President, I hope we will be talking from now on about the Senate version of the bill, because the Senate version of the bill says you cannot run for public office if you are a Government employee, and it also says you cannot go out and raise funds from the public; that current law continues on where PAC's can get their money.

At the appropriate time tomorrow, Mr. President, when we do have votes on this, I will be prepared to move to table it. I understand we will have time to debate all these amendments tomorrow before the votes occur, and, at the appropriate time, I will move to table the amendment of the distinguished Senator from Wyoming. I yield the floor.

Mr. SIMPSON. Mr. President, I always enjoy a good, rich discussion with my friend from Ohio. There is no one more energized on issues, as I learned that when we came here and dealt with nuclear proliferation. The things he believes in he believes in deeply. He is doing a splendid job of floor managing this legislation. I admire him and always have long before I came here.

It is important that we indeed get to facts. I like that. That is where we must be. So if we can, let us go a little richer than just the word "facts." Let us go to the law of the United States of America, the present law. Let me read one particular section. This section will be repealed by this bill. Here is what it says:

> An employee in an executive agency, except one appointed by the President by and with the advice and consent of the Senate, may not request or receive from or give to an employee, a Member of Congress or an officer of the uniformed service, a thing of value for political purposes. An employee who violates this section shall be removed from office.

Now go to the criminal code. This part will not be repealed. It says, "A person receiving any salary or compensation for services by money derived from the Treasury of the United States." This part I read to you now will be repealed:

> * * * to knowingly solicit any contribution within the meaning of section 301 of the Federal Election Campaign Act of 1971 from any other such officer, employee or person. Any person who violates this section shall be fined not more than $5,000 or imprisoned not more than 3 years or both.

So, when my friend from Ohio says there is not much change, then let us go right to the bill. I like that—first remembering that the present law of the United States, the present Hatch Act says that a Federal employee is forbidden to solicit or handle political contributions or organize partisan fundraising activities. That is from a letter from the Justice Department to the committee telling why the legislation should be rejected. It is also included within the minority views dated October 17, and signed by a representative of the Justice Department, Carol T. Crawford, Assistant Attorney General.

But even if you do not want to deal with that, let us go to the bill. Let us go not to the House bill. Let us go to the Senate bill now before us, Calendar No. 295, S. 135, and go to page 4. Here is what it says. And if this is not a change in law, well, I remember that anecdote I used with Senator KENNEDY one time on the immigration bill about when my father and another lawyer in Cody, WY, handled every case on either side of the docket for about 30 years. Finally, in a burst of enthusiasm, this remarkable other attorney said, "If that's not the law, I'll eat the statute book." And my father stepped up to the plate and said, "If he does, he'll have more law in his gut than he's got in his head."

Now, that is not the case with my nonlawyer colleague from Ohio, whose skills are evident, both on Earth and outside the Earth. Here is what the bill says. Here it is, page 4, line 4:

> An employee may take an active part in political management or in political campaigns, except an employee may not—
>
> "(1) use his official authority or influence for the purpose of interfering with or affecting the result of an election;
>
> "(2) knowingly solicit, accept, or receive a political contribution from any person, unless—

And here is the kicker—

> such person is

"(A) a member of the same Federal employee organization."

Now, if that is not a change in the law, I am lost, because there is the opener right there. It is so clear. It is blatant. It is real.

Then go on, where we also say "unless the solicitation is for a contribution to the multicandidate political committee as defined under the Federal Election Campaign Act of such Federal employee organization."

There it is. Now, we cannot use the sophistry of words and say there is no change because that is obviously a change, and it is dramatic. You have just under this bill repealed those two sections I read and then you have put in here that a person, indeed, may knowingly solicit, accept or receive a political contribution from any person if that person is a member of the same Federal employee organization.

That is what we are talking about. That gives us the creeps, because it does not have to be done on the job. That is fine. But off the job it is going to get done. And it is going to get done in ways that you could never legislate against in any possible way.

I will be glad to work with the Senator from Ohio as to how we might meet the intent which both of us have because he has stated it clearly. If there is no change, then there is no change. Then there is no change. Gertrude Stein could not do any better than that.

So let us work toward that. I am ready to assist because I like what he is saying. The only trouble is I have to stick with page 4, line 15, 16; line 13, line 14 of the bill. There it is—off the hook. It says they can do this. So we have something here which expands the rights of the Federal workers. It expands the rights of him to solicit, to get political contributions, and that is where we are. I wish it were not so. That is why I am here. But if that is not the purpose of the Senator from Ohio, I would like to pledge to work with him and see if we can resolve it. It is going to pass. It is going to go through here. Those of us who reject the bill and its provisions will have to urge the President to veto it and hope to sustain the veto with 34 votes. We certainly do not have 40.

Certainly these are things that I want to bring to the attention of the Senate. We can talk about apples and oranges. Both parties have now said we want to limit PAC's. We have kind of pounded our chest and run through the village the last few days, saying we want to get rid of PAC's. I assume there will be about 10 PAC receptions tonight, and as long as they're legal, many of us will still be going.

So both parties say they want to limit PAC's in their bills. The Republicans would eliminate them. The Democrats seriously cut them back. And then this bill, this curious bill would expand the coffers of certain PAC's, which under the Democratic bill on campaign reform can still contribute to the Democratic Party.

Why not wait until after the dust settles on what we do to the PAC's before we do these reforms? That is what I am asking. That is the purpose of my amendment. I know that the argument is made many times that coercion is still prohibited. At least we have put to bed the issue of constitutionality, because my friend from Ohio concedes that the Hatch Act is legal and that constitutionality is not an issue. And that is good.

I have been hearing about the abridgment of political expression. I have been hearing about the violation of the first amendment. That is in the Constitution. So, since I had, I just assumed that we were saying the Hatch Act was unconstitutional. I am ready to concede, and I appreciate that point. It is a constitutional thing and I agree. I do agree.

So here we are. Coercion, that is the issue for me. Coercion and pressure and political year. That is how we are here on this floor at this moment, no other reason.

There is no other reason to be here.

I guess I would just say can prohibit coercion all you want to under the law. I do not think it really does a good job of that. But that will not do when you expand permitted politicking because when you expand permitted politicking you expand expected politicking. That is what you do. It will not be a spoken requirement but an unspoken one. That is the way it was before for decades before we corrected it—no fingerprints, except bad government.

Then I must say, and I will admit there is a partisan shelling from the edge of the hills. Why is it that the only sponsors of this legislation are the unions of America, and the ACLU? I do not know. Nobody has ever answered that. Common Cause is on our side. That causes people a lot of concern in my party, some of them, although I was a member of Common Cause at one time. I sent in my five bucks, and studied their issues. I thought they did a lot of good things and some bad, but I got out just like I did with the ACLU when they got into racist issues in Skokie, IL. Those are real things.

But let us try to stick to what we are trying to do. If I would accept at face value what my friend from Ohio is saying, I would get on their bill as a cosponsor. And I would believe it. But I am constricted as a lawyer-legislator of some 25 years of duration to know I know what this says. I know that this is the ability to knowingly solicit, accept or receive a political contribution from any person who is a member of the same Federal employee organization, that is, the union. I think that is wrong. I think it is disgusting.

Thank you.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I believe what the distinguished Senator from Wyoming said is exactly what I said. I believe—I do not know that we disagree particular—they can raise money now. But the language was changed basically under the bill which is in the committee report on page 16, down where we take out a section under title 18 of the bottom of page 16, the bracketed action, top part of that. Solicitation of political contributions. It shall be unlawful for, and then a number of things. Then it says a person receiving any salary or compensation for services for money derived from Treasury of the United States. Then we took out this part that says to knowingly solicit the contribution, within the meaning, so and so, on top of page 17, and then added other legislation which was basically intended and which I do believe spells out better what can be done.

That is what is in the legislation. That is what is on page 4 and page 5. It was mainly in drafting. It was not meant to weaken it. It refers back to the bottom of that section at the top of page 17, under B, references back to section 7323 and 7324 of the title.

Those are political activities, prohibitions and so on in those earlier sections. I think that does clarify. It was not that it does not open anything up. The Federal employees can—employee organization leaders—solicit contributions now. Retired members of those employee organizations can solicit contributions, but PAC employee organization leaders right now can ask for money. That is not anything new in the law. Maybe I could see how there could possibly be an interpretation, but it was not really intended I guess where one member can solicit another as opposed to being limited only to the organization or retired members. I just do not see how that is important.

So what was mainly intended by redoing the language here was mainly to clarify things and spell it out better so people would not be in any doubt about what they can do and what they cannot do.

I just do not want to offer below this particular part of what the change was. The change was intended to help clarify that. I think it can be better clarifying language. We certainly are willing to consider that.

Mr. SIMPSON. Mr. President, it is very helpful to me to hear the sponsor's comments. That is most important.

This is a curious exercise in scalpel work here. If there is no change in present law, what are all the words for? This is a good question. If there is no change in the Federal law, is this a

creature of staff here overwrought and overworked, padding around in their padded chamber, did they cook this up? Is this one of those cooked jobs by creative frustrated people who are thinking, "Wait a minute, got to do it in a way where those of us like the Senator from Ohio and myself want to do it." And if I heard what he said, I am ready to do that. But that is not what this says.

This bill takes out a provision of existing law under section 602, and then comes around, using the italicized language on page 17 of the report which says the prohibition in subsection (a) shall not apply to any activity of an employee as defined under section 7321 of title 5 or any individual employed under the U.S. Postal Service or the Postal Rate Commission unless that activity is prohibited by section 7323 or 7324.

What is it all about? Because if the issue is really that you really do not want to make any change in existing law, I have a great idea. Let us not do it. They just leave this off, and say this. Will somebody join me in this? Because then I can get close to listening to what we are trying to do here. If somebody can tell me why we do not put in this bill that "you cannot knowingly solicit, accept, or receive a political contribution from any person who is a member of the same Federal employees' organizations." Is anyone ready to do that? I am ready to do that. I hear that is what everybody else wants to do. If that is the case, let us do it. That is where I am.

Mr. GLENN. Mr. President, I point out to my distinguished colleague that if he reads down to the bottom of that part on the top of page 17, after all the things permitted there, unless that activity is prohibited by section 7323 or 7324 of that title, go back to page 15 and 16, and it spells it out directly, or in the part of the bill here that is 7323 and 7324. It is spelled out specifically what they can do.

So I still do not see where there is such a big change here that would make such a difference in what PAC's can or cannot do. How does this make a change in the amount that the PAC's can collect, what they are authorized to do, or what they can collect now, or what they can collect later, or how people can be forced into a contribution or not? It does not change that one bit, nor was it intended to.

Mr. SIMPSON. Mr. President, let me inquire of my friend from Ohio. The question is—and I ask it again—let us redirect to the member of the same Federal employee organization. My question—and I just asked it—was this: Is the Senator from Ohio saying—and I hear him saying that there has been no change in the law, and yet now, under this bill proposed, we are going to allow an employee to take an active part in political campaigns—that is what this says—and we are going to allow him or her to knowingly solicit, accept, or receive a political contribution from any person who is a member of the same Federal employee organization.

Does the sponsor of the bill embrace that language?

Mr. GLENN. Yes, that is correct.

Mr. SIMPSON. Mr. President, if that is the case, then that would be what current law is, except that is not what is said here. Why, then, have we gone about repealing the section I read previously several minutes ago, and then why have we gone and repealed the section on—the two sections I related to were the sections on page 13 of the report language and page 16 of the report language. What is the purpose of repealing that? And the Common Cause letter, I have to believe that they do good legal work.

Archibald Cox was a professor of mine. You see these things coming out of my background which are dazzling. He was a professor of mine in labor law at Colorado University when I was using the GI bill. I have great respect for Arch Cox. They say in their letter that S. 135 "proposes major changes in the Hatch Act, lifting most restrictions on partisan political activity. It allows Government workers to solicit their colleagues for contributions for their own Federal employee PAC's. It would increase the potential for widespread abuse, and with basic restrictions on partisan activity repealed, no procedural or other safeguards will be sufficient to protect against the subtle forms of political favoritism or coercion of Federal workers."

That is the statement from Common Cause, signed by Fred Wertheimer, a remarkable individual who does good things in many cases, and that is their legal interpretation of this bill.

I am ready to sit down, and we will be glad to work in the evenings or the days to get to what I think is being said but is not reflected in this legislation by a very deft use of in one side then out and around the horn. That is not going to sell.

Mr. GLENN. Mr. President, let me spell it out exactly as to what you can and cannot do. Under current law, one employee cannot solicit another employee for a contribution to a PAC. The employee organization leader can, and the retired members of the same employee organization can solicit contributions. Where the employed leaders have had to do this personally, all this does is open up so they can designate other people to run the PAC for the organization. That is true, whatever it is, whether it is the Chamber of Commerce or a business organization or labor or whatever. That was not intended. Nor do I see it operating in a way that is some great loophole that will mean that additional millions and millions will be levied or coerced out of members of whatever organization. That was all that was intended by that part, all that was written into it, and any other interpretation of it goes well beyond anything that I see that is warranted.

The things that are still prohibited are the things that are listed in sections 7323 and 7324 of the earlier titles in S. 135. So I do not see how any of those changes can be construed to result in opening the floodgates, as my distinguished colleague had indicated he feels might be the case.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Wyoming [Mr. SIMPSON].

Mr. SIMPSON. Mr. President, let me ask the sponsor, in legislation of this nature, and in his excellent work with the Governmental Operations Committee as chairman, have we ever had a definition like this in legislation, where we have this new phrase, a "Federal employee organization"? Because that is the one that gets to me. There are probably 3 million people who could fit a "Federal employee organization," if you were to mention labor union, which is what that kind of legislation usually states. I could understand it then. But if it is going to say "Federal employee organization," what does it mean? Who is covered under this? Is this a spectrum of 3 million people or 800,000 people?

I guess my question is, without question, it seems to me, as one who has tried to come current on this, it is obvious, is it not, that this expands current law and, therefore, if it expands current law into 400,000 more people or 800,000 more people or the potential pool of 3 million people, is it not then, obviously, a change in the law?

Mr. GLENN. Mr. President, I am told that OPM made a definition of "Federal employee organization," but we do not have it here at the moment. We will get that. To me, if you go back in the definition section, 7322, it says employee means "any individual, other than the President or Vice President, employed or holding office in an executive agency, other than GAO, or a position within competitive service which is not in an executive agency but does not include a member of the uniformed services."

I presume that—I should not presume anything until we get what OPM has said about Federal employee organization. We will get that. I think the general interpretation is that it would be employee organization or union within the Government. They all qualify as unions, I believe. This would apply to that.

Mr. SIMPSON. Mr. President, I do not have any problem, I guess, with people participating. Let me say that very clearly. If more people want to

participate in government, that does not send any rigors through me. But what is the purpose and why is it so essential to allow more people to solicit? That is the question I have next.

Mr. GLENN. Mr. President, I would respond by saying that the intention was, right now, only the elected union leaders could do this, and for a large organization to let them delegate that to some of the other people, I think it only makes common sense that that is what would be done under other PAC's, I believe.

I see no reason they should be prohibited here. I do not think you are going to see under this any great flood of people where everybody is dunning everybody else within a particular union or employee organization for money. That was not the intent, nor would it actually operate that way.

So this was not meant to open any floodgates, nor do I see how it would. I read the specifics here a moment ago as to exactly who can and who cannot solicit money now, and who would or would not be able to solicit funds after S. 135 is passed, and it does not vary hardly at all. So I do not see the difference here.

Mr. SIMPSON. Mr. President, I do see the difference. What is the purpose other than to see how many union people can be designated? Is that the whole union? That is what this is. When you consider that the only people crying for this bill are the unions, and a very limited amount of unions really, the heavy hitters, the 3 million of them who we really take awfully good care of because, as I say, they live right here and so for decades they have been well taken care of because they live in Virginia, the District, and Maryland and they are tough, tough, tough. When they come in here they usually get what they want. This is the ultimate want list right here.

If the purpose is to allow participation, as I say, I am fine, then we could just strike the provision about the expansion of minions, surrogate union leaders which can go out into the campus and solicit money.

How did 55 cosponsors come on this if there is no change in the law in this area, while they are whacking us to shreds? It looks like John Coulter trying to get out of the West when he was apprehended in 1805. You have to run down through here to get out of the building because there they are. What is the purpose of that, if there is not much change?

I am willing to let them participate. I do not know why we need to have surrogate union leaders to dun on them at Sunday picnics to get money for the unions and PAC's when we have the hypocrisy that we are going to get rid of the the PAC's within a few weeks.

The PRESIDING OFFICER (Mr. ROBB). The Senator from Ohio.

Mr. GLENN. Mr. President, we may or may not get rid of PAC's in a few weeks. I do not know. That is a subject of other legislation.

I would say I think it is akin to what we run into in our own Senate campaigns here. I am sure the distinguished Senator from Wyoming is not the person who every time he wants to raise money does it absolutely personally and receiving every single dollar and asks for it personally.

That is why fundraisers do not force people to give it. It is voluntary. They can ask them to give if they want to. That will be what is done with the people involved carrying out what the leaders have to do right now and then have to rely on that, has been ruled to be legit. They have used retired members of the organizations and so have at this time contributions. Should that not be changed? I do not know. That may be part of what we want to discuss here on the floor when all this PAC legislation comes up.

But I do not see that is any different from us delegating fundraising activities to somebody else in the organizations, and that is all you are talking about here. This is not supposed to open up any huge floodgates.

Let me just say, in response to commenting about the civil service, I do not know whether the Senator from Wyoming was talking about the civil service people being well taken care of, if that is what he was talking about. But having been through a number of hearings on the Governmental Affairs Committee about what happened to our civil service in this country, I do not believe he can be talking about how well we have been taking care of civil servants, because over the last 10 years they are some 26 percent behind the civilian counterparts in salary raises and current salaries. We have yet to deal with that, largely because of our own inability to deal with our own pay problems right here on the floor, as the distinguished Senator from Wyoming is aware. We have not addressed that.

So when he talks about civil servants being well taken care of, I respectfully disagree; we have not dealt with that. We are getting far enough behind the civilian counterparts now. Unless we deal with that soon, that is going to be a serious problem in Government. That is not directly part of this, but I wanted to make that comment.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I hear that argument. I have heard that one in my 12 years. I am always just as intrigued with it as the Senator from Ohio, in a different way. We are saying unless we raise the salaries of those of us in Congress no one will run. There are a lot of people waiting to run for my seat. They do not care what the salary is. They just want to come and retool things or bring their own agenda and get cracking. They are not interested in the money.

So, you come to this situation: How come it is then when you advertise in the communities of America, there is a Federal job open in the Postal Service and 2,500 people come and stand in line? Somebody tell me why that is.

The reason is that it is a good job, with security and benefits that are not there in the private sector. They just aren't.

Everything sounds good in debate until you open a civil service job numbered G or whatever it is, so and so, and advertise for it and then watch the human beings in America come toward it because they would quit their job to get that job, and that is reality.

It has been a good debate and I appreciate the indulgence of the Chair and sponsor who I greatly admire. Now the mask is really off because you increase the number of union designated collectors of money and that is what this does. You increase the number of Federal employee organizations. That is what this does. You have then unmasked the bill.

This is why these unions have been beating our brains out for years and finally how they got here to this point where they could do this final act in an election year with the pressures of reform. Here we are, right in the face of campaign reform problems increasing the number of union-designated collectors of money.

I tell you and I say to my friend from Ohio, you bet I do that. I am a partisan. And, boy, I have to go raise money. I hope I can get delegates. I might like to find 5,000 surrogates to go raising money for my campaign.

But my job is political and these people, their sworn duty is to run the U.S. Government. That is their duty. They have no other duty but to assist us in running the Government of the United States. They are charged. That is their charge, to administer this Government impartially and without partisanship. This is a direct—you can call it anything you want to—a direct and appalling spear into that bosom, and I will tell you it is, and it is unattractive and that is why the Hatch Act had been there for 51 years and that is why I hope it will be there for 51 more years. If it is not there for 51 more years it will not be 51 years before we come back here to change it. It will be about two. And the people of America are going to say, good Lord, I never dreamed what I was dealing with.

You should have seen the squirrel that came to see me the other day from the department of so and so, gave me the biggest line about George Bush or Dukakis or whoever. I did not

have to listen to that stuff. I am not paying that guy.

That is where we are. I am a partisan. Federal employees are not supposed to be partisan.

The PRESIDING OFFICER. The Senator from Ohio [Mr. GLENN].

Mr. GLENN. Mr. President, I think we have about exhausted things on both sides. I shall respond one more time. As far as my reference to congressional pay, and now we deal with civil servants, it was that in the past, as the distinguished Senator from Wyoming is well aware, there has been a linkage between the salary of Members of Congress and the salary of Government employees. I am fully aware that people are out there looking for our jobs, running against us, and spending millions to get here even though the pay is not the main thing, and I know that. But the problem in referring to civil service, what I was referring to was that our pay here has been linked to what civil service gets. They have not hired a top bioscientist, for instance, for 10 years out at NIH. NASA has difficulty attracting good people in the Government these days, good scientists and people to do the experimental work that needs to be done. It is a similar thing across the board on top-level Government salaries. They are tied to ours by custom, by precedent and not by legislation.

But we have always been unwilling to delink and consider the other needs of Government separate from our own, and so the civil service salaries overall have been, over the past 10 years, about 26 percent behind the civilian counterparts. Are there people willing to take those jobs? Yes. Do people stand in line for postal jobs which are pretty good jobs? Yes; they sure do.

Some of the other civil service jobs are not quite that good, but until we find people to fit in those jobs—of course, we can find bodies to fill the jobs at whatever salary we are willing to pay.

But I would submit at the same time that we talk about a $1.2 trillion or $1.3 trillion or $1.4 trillion budget, we do not want to fill those jobs with just anybody, any old body that we can get to accept that particular salary, whatever it is. We should be competitive with the people who are good people. So I do not agree with this whole thing.

Finally, increasing collectors was not meant that this was a great, huge increase in capability. It was meant to broaden it out a little bit, as we do in our own offices here. As far as applying terms to it, such as unmask, and appalling, and a spear in the bosom, that just overstates it considerably.

You are right, the Federal employees have their duties, which is to run the Government. And I think where it can be done they also have a right to participate in our political processes, where it does not interfere with that running of the Government.

That is all this tries to do, is straighten out some of the difficulties with the Hatch Act that have grown up through decades of abuse and misuse, and clarify what can be done on the job and what can be done off the job, so that all these hundreds and thousands of interpretations that have been confusing to people are taken care of. We only do this in S. 135 because OPM and those people in Government have not addressed this and really tried to straighten it out. Otherwise, this legislation would not have been necessary. It does not go beyond that in its purpose.

Mr. SIMPSON. Mr. President, I do think that this has been a good debate. I have always enjoyed that with the Senator from Ohio, and this again. I thank him for that opportunity.

I still say that I would be very pleased to try to work with the Senator from Ohio. Realizing that I do not work from a huge power base on this particular bill, I can feel the train coming through. But, still, some of the things he has said in the debate, I agree with totally, and I would like to see them borne out in the language.

But the part that gives me the continuing pain and concern is our Government. It does not matter who is President, George Bush or Michael Dukakis. And that is the number of people who are going to be expanded under this bill to be able to solicit their fellow man in Federal employee organizations. It does not even say union. Let us say union; that is more honest.

But expanding this to 400,000 people, who will be the new political solicitors. That is Federal employees, plus 600,000 postal workers. That is the new pool of political solicitors in the United States. I think that is very wrong. I think it is a real mistake to have the people that haul the mail—and they are in some difficulty politically on this floor as they continue to ask us for more money, they continue to ask for the rate raises, and we never see any increase in productivity.

They want to get off budget. Who does not? If you get off budget, you get more money. Does anybody know why everybody wants to get off budget around here? So you can get more bucks, whether you are Social Security, postal, the Federal Financing Bank, or the REA. Get off budget. Good for America, Yes, that is why the debt limit is $3 trillion 122 billion.

I just have a grave thought that it is not the appropriate time to suddenly expand solicitors of political money with that many new solicitors who are surrogates of the union, I guess. I do know what else to say. And as I say, we are dramatically changing the law. Let us just say that we are then, because we are. If this bill passes, we have dramatically changed the law.

We have put together an army of solicitors, all of them paid by the Federal Treasury, to go out and walk around in their own membership off duty. I do not think that is what the Founding Fathers had in mind. But we let it happen for years. Then Congress got so disgusted with it, it was cut off. That is why the Hatch Act is on the books.

Mr. GLENN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I first want to offer the second amendment that I indicated to the distinguished Senator from Ohio I would offer and then, maybe, go back to discuss the first amendment I offered. Mr. President, I ask unanimous consent that the other amendments be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1588

(Purpose: To amend chapter 73 of title 5, United States Code, to provide for penalties for employees violating certain prohibitions on political activities)

Mr. DOLE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE] proposes an amendment numbered 1588.

Mr. DOLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 6, insert between lines 3 and 4 the following new section:

"§ 7326. Penalties

"Any employee who has been determined by the Merit Systems Protection Board to have violated on two occasions any provision of section 7323 or 7324 of this title, shall upon such second determination by the Merit Systems Protection Board be removed from such employee's position, in which event that employee may not thereafter hold any position (other than an elected position) as an employee (as defined in section 7322(1) of this title).".

On page 6, insert between lines 11 and 12, immediately after the matter preceding line 12, the following:

"7326. Penalties.".

Mr. DOLE. Mr. President, the Hatch Act currently provides in section 7325 that—

An employee or individual who violates section 7324 of this title shall be removed from his position, and funds appropriated for the position removed thereafter may not be used to pay the employee or individual. However, if the Merit Systems Protection Board finds by unanimous vote that the violation does not warrant removal, a penalty of not less than 30 days' suspension without pay shall be imposed by direction of the Board.

Mr. President, if S. 135 becomes law, this particular provision, which both helps with the enforcement of Hatch Act violations and also serves as a deterrent to illegal conduct, will no longer be law.

When S. 135 was reported out of committee, it contained no significant penalty provisions. Not only had the drafters of S. 135 gutted the Hatch Act of any meaningful limitation on partisan political activity by Federal employees, they also gutted it of any meaningful penalty provisions.

On the Senate floor, we have the amendment which was offered by Senator GLENN, the manager of the bill, and agreed to which is basically jurisdictional in nature—it authorizes special counsel to seek corrective action in the same way as if a prohibited personnel practice were involved. No mandatory penalties are imposed for violations of the Hatch Act as a result of this amendment.

There has also been an amendment to S. 135 which has been agreed to which provides certain penalties for coercive political activities.

I do not believe that either of these amendments goes far enough:

The one amendment offered by the distinguished manager of the bill, Senator GLENN, leaves disciplinary action completely at the discretion of the Office of Special Counsel. The other amendment, offered by the distinguished Presiding Officer, Senator ROBB, applies only to coercion and not other violations of the Hatch Act.

The amendment that I am submitting for consideration mandates permanent suspension from employment by the Government of the United States of any employee found guilty on two occasions of violating any of the prohibited activities set forth in sections 7323 and 7324.

As with my previous amendment, this amendment is identical to the one I offered in 1976, in connection with Hatch Act reform legislation and which passed the Senate by a vote of 53 to 38. This amendment was also supported by almost all the same Senators who supported the amendment to exclude IRS, CIA, and Justice Department employees from the relaxed standards of the reform amendments.

Again, I will notify each other of the Senators who supported the amendment to exclude the IRS, the CIA, the Justice Department, and now the Federal Elections Commission. My view is they should be taken out of this act.

While I believe that some flexibility is merited for first time offenders, a strong mandatory penalty should be stipulated for repeated violations. The penalty, permanent dismissal from the Civil Service, would serve both to send a strong deterrent message to those tempted to violate the Hatch Act and to terminate those employees who willfully break the law after they have had fair warning of their prohibited conduct.

Mr. President, I suggest this amendment would help solve the problem. That is all I have to say on the second amendment.

The PRESIDING OFFICER (Mr. KERREY). The Senator from Ohio.

Mr. GLENN. Mr. President, the amendment by the distinguished Senator from Kansas, I believe, would remove an employee from the Government if the Merit Systems Protection Board deems them to have violated section 7323. They would be removed after the second offense; is that correct?

Mr. DOLE. 7323 and 7324.

Mr. GLENN. I am very much in sympathy with this. I would probably be moved to accept his amendment if we could make sure by either adding language or by legislative history right here on the floor when those violations come before the Merit Systems Protection Board, that that employee has the right of appeal to Federal court he or she normally would have, to appeal an MSPB ruling.

That is the way it is now. If they disagree with the MAPB ruling, then they can take it to Federal court if they feel they have been dealt with unfairly. We were not proposing to change any of that here, of course. The way it is worded:

Any employee who has been determined by the Merit Systems Protection Board to have violated section 7323 and subsequently is determined by the board to have violated such section shall, on second determination, be removed from Federal service.

I presume, in reading that, that the intent would be the employees would still have all the protections of law, they can appeal and go to Federal court, and if they got a favorable ruling in Federal court, that that would expunge from the record then the earlier violation as deemed to be a violation by the Merit Systems Protection Board.

Mr. DOLE. If the Seantor will yield, that is certainly the intent. It may be we need to clarify it with some language. I do not want to deprive anyone of their rights. I want to make certain if it happens a second time and it is appealed as far as the appeal is permitted and it is still found he or she violated 7323 or 7324, then that person would be suspended.

Mr. GLENN. Mr. President, if we can have that understanding, or perhaps since we are goint to vote on it until tomorrow anyway, maybe we can insert a clause that would make that Federal appeal over into the judicial system, if we can spell that out so it makes very clear that an MSPB decision can still be appealed to the court then.

Mr. DOLE. Maybe we might just withhold final action on the amendment to see if we cannot get our staff to reach an agreement. I think it would be very easy to do.

Mr. GLENN. As far as kicking out a two-time violator, that is fine with me. There should not be a one-time violator. Two times around, that is enough. Their appeals process is in place if they feel they have a just case. I probable would be willing to accept this.

Mr. DOLE. I just make one or two points. As I understand it, this is still the pending amendment. We will try to modify it, and if we can reach some agreement, the amendment will be accepted. If that is the case, then there would still be one amendment pending.

I would like to touch on a few points the distinguished Senator from Ohio raised in his response to my statement earlier on that first amendment.

The manager says that the employees of these agencies will not wrongfully use this information since they are prohibited by law from doing so. It seems to me that we need more of a safeguard, because politics will create strong additional pressures, to leak or otherwise use such information against whatever.

We are not supposed to leak information in the Senate, but look what happened to Tim Ryan who was the nominee for high office here just a few weeks ago. Somehow something was leaked on his FBI report.

It seems to me we need to provide all the safeguards, and that is why I think these very sensitive areas—CIA, FBI, the IRS and the Federal Elections Commission—ought to be out of this bill. There should not be any reason for them to be kept.

I agree with the Senator from Ohio who reaffirmed the civil service should be, and always should be, based on merit. While I disagree S. 135 advances that cause because I think, again, in my view, and in the view of Senator SIMPSON and others who may misread it or read it differently than the Senator from Ohio, this will introduce politics into the workplace.

It has also been said that S. 135 really clarifies any confusion on the do's and don'ts currently under the Hatch Act. I know the distinguished Senator from Delaware [Mr. ROTH] had a bill which would have directed the Office of Personnel Management to issue regulations to clarify what is legal and illegal under the Hatch Act.

It seems to me that would be the best thing we could do: Keep the

present law, eliminate the confusion, because there is confusion, as pointed out by the Senator from Ohio, and the confusion pointed out, I guess, in my statement when I talked about the bottom. The Senator from Ohio is correct, the Senator from Kansas is inaccurate.

The distinguished manager also indicates that S. 135 does not permit employees of IRS, CIA, Justice, and FEC to solicit campaign contributions. If that language is in the bill, my staff has not been able to find it, because we are informed that employees of the same labor unions can solicit one another off hours for contributions to the PAC's. Members of the same labor unions or employees of the same, say they are AFGE or postal workers, can solicit one another off hours for contributions to their PAC. An employee can get on the phone at night, whenever the hours end, 5:30, 6, whatever, and solicit. If that is not the case, then I think that is important and I hope we can find the language that can be pointed out to us.

I think there is the overriding fear that once you can do all the things you are going to do under the S. 135, there is no way you are going to keep politics out of the workplace, and the Congressional Research Service study, which has been printed in the RECORD, deals with the statutory authority of agencies to issue their own regulations restricting political activity.

I quote just one paragraph in that study. It is talking about cases, American postal workers and others. This is the Congressional Research study, page CRS 4:

> The implication from these cases would appear to be that an agency would need some statutory basis of authority, a provision adopted by Congress, to further limit first amendment rights of individuals, including its own employees. This would appear to be consistent with previous cases concerning agency authority and due process which noted that a Federal agency, to limit first amendment rights and other fundamental liberties of individuals, needs a clear and precise delegation of that authority from Congress.

So it would seem to me they are, in effect, buttressing the argument we made. The thrust of the study is, in order to have authority to issue such regulations, there must be some way, some statutory language to authorize, and S. 135 eliminates the statutory language that we have. I have just read that quotation from the report.

I think the distinguished Senator from Wyoming, Senator SIMPSON, and the Senator from Ohio, have had a long discussion on political action committees and why we are debating this bill when we are supposed to be eliminating political action committees. Why are we trying to make it easier for Members to be solicited and contribute to political action committees or Federal employee unions? I assume in the campaign finance reform we ban all PAC's and there would not be much demand for this bill.

I think if we ban PAC's, as I hope we will in the Senate, then there may be an amendment even to this bill to ban all political action committees. That would be a nongermane amendment that may not be offered to this bill. It may be just to indicate we cannot have it both ways. We cannot pass legislation that says we ought to beef up PAC's and talk about at the same time banning PAC's.

That debate will follow the deliberation of this bill or could come on this particular measure sometime later this week.

So with those responses, it is my understanding that the vote on this amendment will occur—I guess they occur in sequence starting tomorrow morning at 11 or 11:30?

It has not been set. If it has not been set, I would hope that there might be some brief opportunity on this particular amendment to have at least 5 or 10 minutes of discussion tomorrow morning on the amendment.

I think it is an important amendment. I indicated before that I offered it in 1976 along with Senator BENTSEN and it was supported by at least a dozen Members who now support S. 135, a dozen members who are still here. The amendment was adopted by a vote of 68 to 23. It was a very lopsided margin. And I really do not believe there has been that much change since 1976.

The CIA is still a special category. The IRS is still in a special category. The Justice Department is certainly in a special category. The only change is that since 1976 we now have the Federal Elections Commission, and these are the very people dealing with cases involving all of us right on the Senate floor and Congress, our contributors, whatever. I do not really believe we want to politicize those agencies. I have letters from the Attorney General, from the IRS Commissioner, and from the FEC Chairman in opposition. They do not want to be a part of this. But I guess they can be forced to do it in any event, though I will offer an amendment tomorrow that will require a referendum in each division. The IRS union covering that group, at least there ought to be a majority before they are forced into this particular measure.

Mr. GLENN. Mr. President, I have one correction. I think there has been a little misunderstanding on who can solicit whom if S. 135 passes. One of the earlier amendments we passed after the bill came to the floor added a section under 7323. (A) says "a Member of the same Federal employee organization" and then that (B) was changed to "not a subordinate employee."

In other words, the distinguished Senator from Kansas said if we pass this the boss would be able to solicit a subordinate. That is specifically prohibited by the addition of the early amendment after we came to the floor.

The (B) on this is solicitation for a contribution to multicandidate. That was moved down to section C. So I believe we have taken care of that particular issue and we can discuss that later, if the Senator likes.

Mr. DOLE. If the Senator will yield, I will be happy to have my staff examine it. They can get together when they are looking at our amendment.

Mr. GLENN. Good. We have a copy of it here.

Mr. DOLE. That is an important area that should be addressed.

Mr. GLENN. I agree with the Senator 100 percent. That was addressed in the committee and was supposed to be part of that when it came to the floor. That was an oversight here.

The minority leader's remarks included reference to a similar amendment that was passed in 1976, but I would point out that that amendment was to a bill which would have allowed Federal employees to solicit money from the general public, and that is illegal under S. 135. You cannot do that.

The House bill is different. Under this bill, S. 135, to go out and solicit money from the general public would be strictly illegal.

Back in those days, his amendment to that same bill would have allowed Federal employees to run for partisan political office. Now that also is illegal under S. 135. You cannot do that. The House bill once again is, I believe, being confused with this one. It has been brought up a number of times in the debate. I think there is some confusion on it. But under S. 135, you would not be permitted to raise funds from the public, nor could you run for partisan political office.

A similar amendment to that of the minority leader involving intelligence agency employees was considered by the Governmental Affairs Committee during its markup. The amendment was defeated in committee because the bill does not allow any Federal employee to raise money from the public or to hold partisan political office. Except for these activities, there is little reason to restrict intelligence agency employees or IRS employees or any other Federal employees from other kinds of political activities.

So just to sum up, I do not agree with the amendment by the distinguished Senator from Kansas. I am against it because it addresses a problem that I feel does not exist. It is applicable to a 15-year-old bill that was different in very major respect from S. 135.

Mr. DOLE. Mr. President, I thank the Senator from Ohio. We certainly will take a look at the statements he has made. I am advised by staff that the definition of superior and subordinate in letter carriers is fairly difficult to make. I am also advised this bill will open up approximately 400,000 more Federal employees who can solicit from each other, 400,000 Federal employees and 600,000 postal employees. That is a million Federal employees who are going to be able to solicit now who could not solicit before. Do not tell me, if that is the case—I am going to check the accuracy—that is not going to bring in millions, and millions, and millions of dollars of new PAC money. If you can turn a million people loose who could not heretofore solicit and say now you can solicit, it would seem to me to open up a big, big pot of gold for the Democratic Party.

I can understand why the Democrats want to rush this through. If it is effective this year, it may be of some help to somebody. But it does not mean it is good legislation. I do not know whether the Senator will quarrel with the 1-million person figure or not.

Mr. GLENN. I would reply to the distinguished minority leader that we debated this a while ago when Senator SIMPSON was on the floor. It was never the intent of this bill that every employee is going to be out soliciting every other employee in the Civil Service.

I would be quite happy to accept some limitation on that.

As I pointed out a little while ago, union leaders right now are the only ones permitted to solicit for a contribution to a PAC. It has also been interpreted that retired members of the same employee organizations can solicit contributions. All that was intended with this was as we do in our own Senate offices; we do not all make every single phone call asking for money or for solicitation. That can be assigned to a committee or it can be assigned to some other people to help out in that regard. That is what was intended with this particular provision.

So to take the total number of union members and say they are all going to be soliciting each other, there is going to be a mighty big solicitation job when they get done with that one.

That was never what was intended. Perhaps we can come together in some colloquy or legislative language there will spell out what was intended, but that raises the specter of everybody almost soliciting everybody else, all within that organization now. Nobody can go outside. Under S. 135 you cannot go outside and solicit from the general public. In the House bill you can. In the House bill you can do that, and in the House bill you can also run for office, run for partisan political office. We do not do that in this bill. So you could not go outside your organization and you could not put people to work out there. You could not have this 400,000 out there soliciting from the public because in this bill solicitation from the public is prohibited by anyone who is "Hatched."

Mr. DOLE. If the Senator will yield, I think you could create some umbrella organization, just say Federal employees' PAC. Then it is not to any one Member. It is just one big organization, which in my view would even be worse than I thought.

I think maybe we can address that section if it is not the intent. Maybe again staff can look at it. If the bill is going to pass, we want to make certain it passes as intended by the distinguished chairman and by some of us who feel it should not pass. It will probably pass. Some would not like to fix it up. I would like to fix it up in case it could pass so that it has precisely the intended results that the chairman has indicated. I think that is the chairman's purpose.

Mr. GLENN. I do not object to that at all. I think one of the earlier interpretations that came out in some of our debate, I believe last week, indicated that some people I think felt that what we are creating here was everybody in the union could descend on the public and ask for money. That is not part of this bill. In fact, that is, specifically in this bill, prohibited from going outside. So it is much more limited.

Mr. DOLE. Somebody indicated today that every letter carrier in America could descend on the public on a Sunday before the election as volunteers. They all know their routes. So you just get them altogether, say, OK, give 90 percent of your money to the Democrats, we are going to go out on Sunday, and we are going to make a mail drop. You all show up and go through your regular route. I cannot believe that is the intent. But that can be done.

Do not say it will not happen. These people are pretty sharp. Why should they not all show up on Sunday? It is after working hours. They do not deliver mail on Sunday. But they go around their regular routes, drop off who knows what on every household. If they want to drop in on the Democratic households, maybe that would be all right. But they will drop in on Republican households, too. Maybe we can tighten that up, too.

Mr. GLENN. We might be able to.

Mr. DOLE. People have a lot of imagination around here.

Mr. GLENN. If the letter carriers became that organized, and they are out making their rounds, I imagine probably someone in the Chamber of Commerce——

Mr. DOLE. They do not know the route.

Mr. GLENN. Would be right along behind them in a follow-up vehicle and deliver the same thing. That is possible, too.

Mr. DOLE. As far as I know, the Chamber of Commerce does not have a route.

Mr. GLENN. They will follow the postal workers in that case.

As I understand the parliamentary situation, all the votes will be put off until tomorrow. I will establish a quorum call in just a moment. I believe the majority leader still wishes to be heard this afternoon. I do not know whether he will be back or not. But I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURENBERGER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. DURENBERGER. Mr. President, I ask unanimous consent that I might proceed as though in morning business for 8 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

JACOB WETTERLING

Mr. DURENBERGER. Mr. President, the Senate is honored by two visitors in the Public Gallery this afternoon, Patty and Trevor Wetterling, the mother and brother of Jacob Wetterling of St. Joseph, MN, a few miles from where I grew up in Stearns County, MN. As my colleagues and much of our viewing audience today knows, Jacob is the 11-year-old young man abducted by a stranger with a handgun outside St. Joseph, MN, 7 months ago. Jacob's photograph is on the front of my podium here. They are here in our city to participate in a broadcast of the "Larry King Live" show, which will be broadcast this evening over the CNN network at 9 p.m. eastern daylight time.

They are here on Jacob's behalf, and also on behalf of the thousands of children abducted each year in America. The Justice Department last week released a report entitled "Missing, Abducted, Runaway, and Thrownaway Children in America." That report makes frighteningly clear the magnitude of the threat faced by children in this society, and calls on us to put more study and resources into reducing this terrible trauma. Excerpts of the report appear at the end of my statement today.

The focus today is on Jacob; but what this report tells us is that there are about 4,000 Jacob Wetterlings in America each year. That is more than

one abduction by a stranger for each person in Jacob's hometown of St. Joseph, MN. We need to face this serious national problem, and we need to get to work on solutions.

Ironically, Mr. President, there are many ways in which the tragedy of Jacob's abduction has demonstrated the higher qualities that our fellow Americans possess.

First, there has been the courage of Jacob's family. Their love and concern for their son and his brother has powerfully endured over these many weeks, and is the force behind the efforts to bring him home. Their advocacy on behalf of other children, and in the whole area of child safety, has been both inspirational and practical in preventing future abductions.

The efforts of Jacob's neighbors in central Minnesota has been equally awe-inspiring. On Friday it was announced that a reward of up to $200,000 had been raised for information leading to Jacob's safe return and the arrest of a suspect in the case was raised in that community. But the money is only the most visible representation of this community's reaching out to the Wetterlings. Countless hours have been freely donated by ordinary people to raise both funds and public awareness around the country, to multiply the eyes and ears on this case. This poster, or one like it, is in thousands of stores, offices, and other public places around the country because of people who care enough to set aside their normal tasks and to go to work to find Jacob Wetterling.

Also, Mr. President, I want to pay special tribute this afternoon to the law enforcement people who have done more than is humanly possible to find Jacob, and bring him home. Jacob has had a virtual army of law enforcement officials from local to State to Federal, working day and night—and I mean literally day and night—on his behalf. These highly skilled and conscientious professionals have brought every resource of criminology to this case. Someday, the names of the heroes of this effort will be brought before us all to thank them for their successful effort in bringing Jacob home. The coordination among the various agencies on the national, State and local level has been exemplary; the incredible amount of resources which have been made available—literally hundreds of people and thousands of man hours—have been carefully and wisely managed for maximum impact.

For today, these law enforcement officials prefer that I not use their names. The reason is that they want every bit of attention focused on the task, and none of them. And that says quite a bit about this outstanding group and about the cause.

Let me just express my gratitude and that of the Wetterling family and all the people of central Minnesota and all of the people of Minnesota, for your outstanding work to date and for the sacrifices that you and law enforcement people will continue to make until this case is solved.

Mr. President, the New Testament teaches that: "Greater love has no man than this: that he lays down his life for his friends." Jacob Wetterling, by that definition, has many, many great friends. And that, in the end, is what is going to bring him home to St. Joseph.

For those who are watching this proceeding outside the Senate, I would ask that you take a minute to look at this photograph or to make a mental note to be on the lookout for Jacob Wetterling. He is 11 years old, about 5 feet tall—although his mom says he's probably taller by now—after 7 months and weighed about 75 pounds at that time, and may have put on a little weight since then. He has blue eyes, brown hair, and a mole on his left cheek. If you have any information, please contact the Stearns County Sheriff's Department at 612-251-4240 or Crime Stoppers toll free at 1-800-255-1301.

Mr. President, I thank my colleagues for their attention and would ask that various materials about this matter, newspaper stories, and information on the Jacob Wetterling Foundation, be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 29, 1990]

KIDNAPPING TORMENTS TRUSTING TOWN

(By Dirk Johnson)

ST. JOSEPH, MN, April 25.—Trevor Wetterling and his big brother, Jacob, were nearly inseparable. Where Jacob went, Trevor followed. Their parents even looked for activities that the boys could pursue separately, to foster independence.

On a Sunday night six months ago, Trevor, Jacob and another boy rode their bicycles to a neighborhood store to rent a videotape. On the way home, a man with a gun stopped the boys. He took the 11-year-old Jacob with him and told the other boys to run into the nearby woods or he would shoot them. That was the last that Trevor Wetterling has seen of his big brother.

Trevor, who is 10 years old, does not sleep well anymore. He does not want to go to school. When he is in the classroom, he does not want to participate.

"The class will be reading a story, and Trevor will say: 'Who cares about this? My brother is missing,'" said his mother, Patty Wetterling.

UNCERTAINTY OF EACH DAY

"And I don't know how to answer him," she went on her eyes welling with tears, "except to tell him that he's got to get through the fourth grade."

Getting through is about all the Wetterling family can be expected to do these days.

If there is any pain as crushing as the aduction of a child, it is the relentless, numbing anxiety that comes with the uncertainty of each day.

"I don't lose hope, but I haven't lost touch with reality either," Mrs. Wetterling said, sitting on the living room couch in the family's brick and cedar house, where outside dozens and dozens of trees are festooned with white ribbons, a symbol of hope. "But it doesn't do me any good to think of the things that could be happening to Jacob, to think that maybe he's not coming home."

Jacob Wetterling has moved off the front page. His name is mentioned less and less on the television news.

Two agents of the Federal Bureau of Investigation are working virtually full time on Jacob's case, but once there were two dozen. The Stearns County Sheriff's Department has cut the number of investigators on the case to 12 from 30.

"The number of leads has decreased," said Jim Kostreba, chief deputy sheriff in Stearns County. "The number of calls has diminished."

St. Joseph, a town of about 2,500 people in the quiet farm country of southern Minnesota, is the kind of place that conjures the lower, safer, kinder vision of rural America. It is the kind of place where people often do not lock their doors; rather, it was that kind of place.

Some parents here now barely let their children out of their sight. The children, too, have become less trusting, a bit more cynical about a smile or wave from a stranger.

In fact, Patty Wetterling said she was probably more liberal with her three other children than most other parents here. "It's no good for parents to become neurotic," she said. "We can only teach our children so much. We can't take away their freedom. For a child, freedom is like food and water. Little kids shouldn't be worrying about a bad man out there somewhere. They should be chasing butterflies."

24,655 MISSING SINCE 1984

Mrs. Wetterling said it was important for children to understand that a kidnapping like Jacob's—an armed stranger lurking in the background—was not common.

Indeed, of the 24,655 children reported missing in the United States since 1984, "fewer than 1 in 25 were taken by someone other than a family member, according to the National Center for Missing and Exploited Children. Runaways are the most numerous among the missing children, followed by those taken by a family member, often a parent in a custody dispute.

The Federal Department of Justice is conducting a study on missing children, to be released next month. Among other things, it addresses whether small towns are safer from abductions that are big cities, whether regions of the country differ in the numbers of abductions and whether boys or girls are most often the target.

"We don't know yet the probabilities that are involved in child abductions," Ms. Cartwright said. "But we do know that it happens in New York City and that it happens in rural Minnesota."

Jacob's father, Jerry Wetterling, a chiropractor, did not return to work for five weeks after his son was taken. Then, for two months, he worked a half day each week. In January, he returned to work nearly full time. Mrs. Wetterling travels to give talks about missing children, and tries to keep her son's name and photograph in the public eye.

Jacob's older sister, Amy, 14, has been coping with the loss by keeping busy with school and chores, her mother said. She is

getting A's, acting in a school play and helping around the house. Amy's sister, Carmen, 8, does not fully understand what has happened, Mrs. Wetterling said, yet understands some things in ways that no 8-year-old child should have to understand.

Trevor is doing the best he can. He has talked a lot with the family counselor, who has made sure to stress that Trevor should feel no guilt about what happened to Jacob, a reaction his parents had feared.

Jacob is 12 now. On his birthday, Feb. 17, hundreds of people gathered at the banks of Lake George, in nearby St. Cloud, and released balloons with handwritten messages to Jacob.

Around town nearly every mailbox is wrapped with a white ribbon. Some people have erected signs in their front yards for Jacob, or placed his picture in their windows. A sign at the local Phillips 66 gasoline station reads, "Please let Jacob come home."

The Wetterlings have received letters and calls from around the world. Someone sent a photograph of Jacob's name painted in large letters on the Berlin wall, and enclosed a chunk of the wall for Jacob when he gets home. A woman wrote of traveling in the Bahamas and entering a chapel in a tiny town where a candle burns next to a newspaper photograph of Jacob.

Canada's Prime Minister, Brian Mulroney, called Mrs. Wetterling and promised, "If he's in Canada, we'll get him home to you."

A letter from Barbara Bush arrived the other day. Mrs. Wetterling had written the President's wife, asking her to speak out for the welfare of children. "Your letter and your words of anguish over the abduction of your precious Jacob tore my heart," Mrs. Bush wrote. "Keep fighting, shouting and keep on hoping."

A $50,000 reward has been put up for Jacob's return. The boy has blue eyes, light brown hair and a mole on his left cheek. When he was taken, he weighed 75 pounds and was 5 feet tall.

"But it's been so long," Mrs. Wettering said. "I'm sure he's taller now."

[From the Washington Post, May 4, 1990]

U.S. RELEASES FIRST STUDY ON MISSING CHILDREN

(By Patricia Davis)

As many as 4,600 children were abducted nationwide by non-family members in 1988, and more than 100,000 were the targets of attempted abductions, primarily by passing motorists, according to the first comprehensive study of the number of children missing in the United States.

The study, released yesterday by the Justice Department, also estimated that more than 350,000 children were abducted by family members during the same time, most often in connection with child custody cases. The number was at least three times as great as previous estimates, according to the report.

Many of the abductions involving non-family members ended within hours, often after sexual assaults, but 200 to 300 children disappeared for longer periods or were killed, according to the study.

Despite widespread publicity about specific child abduction cases—including the July 1989 Northern Virginia slaying of 10-year-old Rosie Gordon and the disappearance in December of 5-year-old Melissa Brannen—efforts to develop public policy and allocate funds have been severely hampered by a lack of knowledge about the problem.

Police generally do not categorize crimes by the age of the victim, and most nationwide data on child abductions have been compiled by private child-welfare organizations.

The study, called "Missing, Abducted, Runaway, and Thrownaway Children in America," was mandated by Congress in 1984. Prepared by the Office of Juvenile Justice and Delinquency Prevention, it attempted to compile the number of crimes in one year against all children younger than 18.

Although most child abductions involve family members, the estimated 3,200 to 4,600 cases involving non-family members were significant, researchers and child-welfare advocates said.

"That's the size of a small town," said John Walsh; host of the TV show "America's Most Wanted" and father of Adam, the 6-year-old boy abducted from a Florida store and slain. "The Justice Department had some guts to come out and do what they did, it finally puts a handle on the fact that kids are exploited in this country."

Andrea J. Sedlak, one of three authors of the study, said yesterday that "the biggest surprise to us" was the number of children abducted by family members. Previous estimates, based primarily on guesswork, have ranged from 25,000 to 100,000, she said.

Sedlak, a social psychologist and senior study director of WESTAT, a private research firm in Rockville, said the number perhaps can be explained by the high divorce rate in the country. There were an estimated 63 million children in the country during the period studied.

In addition to the number of children abducted, Sedlak said another goal of the study was to estimate the number of runaways in 1988. For that category—the only one that previously had been scientifically studied—the estimate was nearly 450,000, representing little change since 1975, she said.

The study also looked at two distinct groups that previously have received little attention, including "thrownaways," or children who have left home involuntarily, and a group called "lost, injured or otherwise, missing," Sedlak said. The estimates for those categories were as high as 127,100 and 438,200, respectively, she said.

The study said thrownaways fell into two categories. One group, estimated in number at 127,100, had been cut off from their family in one of four ways: They had been told to leave the household; taken from the home and a caretaker refused to allow the child's return; had run away but the caretaker made no effort to recover the child; or had been abandoned or deserted.

The second group, estimated at 59,200, was without a secure and familiar place to stay during some portion of the episode, such as spending the night in a car. All abandoned children fell in this category.

"One of the most important conclusions we can draw is that missing children is not a single problem," Sedlak said. The study underscored the need to research, analyze and treat each of the five categories separately, she said.

Data for the study were collected from six sources, including a telephone survey of 34,822 randomly selected households, which yielded interviews with 10,544 caretakers about the experiences of 20,505 children. Numbers also were gleaned from a re-analysis of 12 years of FBI homicide data, and a police records study of 83 law-enforcement agencies.

The study, which was co-authored by David Finkelhor of the University of New Hamsphire and Gerald Hotaling of the University of Lowell, also said that obtaining clear figures is impeded by the lack of clearly defined crime categories. For example, definitions of abduction vary and there are no federal laws requiring reporting of the crime by age, Sedlak said.

In most family abductions, the abductors were men, non-custodial fathers and father figures. Most victims were ages 2 to 11, with slightly more at younger ages and relatively few infants and teenagers. Half the largest estimate in the this category involved unauthorized takings; the other half involved failures to return the child after an authorized visit.

Ernest E. Allen, president of the Arlington-based National Center for Missing and Exploited Children, praised the study, saying it underscores the need for a federal mandate requiring that all cases of missing children be reported. Said Allen: "This confirms the fact that American children are at risk and that we have to do more to protect them."

"This is really the first time the Justice Department has really come through in a solid way," said Sen. Paul Simon (D-Ill.), who sponsored the Missing Children's Act while in the House. "I have been prodding, but up until this point we have not had this sort of data. When you look at these numbers, you have a much more concrete feel for the kind of problems we face in the country.

[U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention]

MISSING, ABDUCTED, RUNAWAY, AND THROWNAWAY CHILDREN IN AMERICA

(First Report: Numbers and Characteristics, National Incidence Studies)

EXECUTIVE SUMMARY

	Estimated number of children in 1988
Family abductions:	
Broad scope	354,100
Policy focal	163,200
Non-family abductions:	
Legal definition abductions	3,200–4,600
Stereotypical kidnapings	200–300
Runaways:	
Broad scope	450,700
Policy focal	133,500
Thrownaways:	
Broad scope	127,100
Policy focal	59,200
Lost, injured, or otherwise missing:	
Broad scope	438,200
Policy focal	139,100

Because of definitional controversies, each problem is estimated according to two possible definitions.

These estimates should not be added or aggregated.

Major Conclusions

What has in the past been called the missing children problem is in reality a set of at least five very different, distinct problems. Each of these problems needs to be researched, analyzed, and treated separately.

Many of the children in at least four of these categories were not literally missing. Caretakers did know where they were. The problem was in recovering them.

Because of definitional controversies and confusion about the concept of missing children, public policy still needs to clarify the domain of this problem. Which children and which situations should be included, what do they have in common and what are they to be called?

Family Abduction appeared to be a substantially larger problem than previously thought.

The Runaway problem did not appear to be larger in 1988 than at the time of the last national survey in 1975.

More than a fifth of the children who have previously been termed Runaways should actually be considered Thrownaways.

There were a large group of literally missing children who have not been adequately recognized by previous research and policy concerning missing children. These were children who were missing because they got lost, injured, or because they miscommunicated with caretakers about where they would be or when they would be home.

OVERALL CONCLUSIONS

NISMART drew two important conclusions concerning the overall "missing children" problem.

(1) Although the five problems studied here are often grouped together as one—"missing children"—in fact, they are extremely dissimilar social problems. They affect different children and different families. They have very different causes, different dynamics, different remedies, different policy advocates, and different types of institutions and professionals who are concerned. They could not be lumped together for meaningful scientific analysis.

(2) There was a second serious obstacle to grouping these five categories of children under the rubric "missing children": not all these children were literally missing. As the studies revealed, a large proportion of the caretakers knew where their children were most of the time during the episodes. For example, in the case of family abductions, only 17 percent of the children had their whereabouts not at all known to caretakers (see Figure RE-2). Many caretakers knew that the children were at the home of their ex-spouse, but they could not get them back. In the case of runaways from households, only 28 percent of the children were entirely missing. Most runaways were known to be a the homes of friends or relatives. Even in the case of non-family abductions, most episodes were so short-lived, as in the case of an abduction and rape, that the child may not have been missed by anyone.

Thus, we determined that it was not possible to develop a meaningful and useful global figure for the "number of missing children." First, because of the profound differences among the problems, it did not make sense from a scientific standpoint to add together such disparate episodes as runaways, stranger abducted children, parentally abducted children and so forth, or even some portion of each of these problems, into a single number of so-called missing children. Second, children in these categories were "missing" in different senses, and in many cases, as we pointed out earlier, not missing at all. Finally, when such numbers as these have been lumped together in the past, it has created a great deal of confusion. People have assumed that missing children meant children who had been abducted or who had permanently disappeared. Thus, all the statistical findings and conclusions of this study are made about the five distinct social problems, and there are no global figures. We specifically discourage anyone from trying to create or use such a global number on the basis of NISMART statistics.

RECOMMENDATIONS

(1) Public policy around what has become known as "missing children" needs to clarify its domain. It needs to be more specific about which children and which situations are included, why they are included, and what they are to be called. If the five problems studied here need an overarching framework, we propose the compound term "Missing and Displaced," rather than the simple term "Missing."

(2) Public policy needs to more clearly differentiate each of the separate social problems included under the so-called "missing children" umbrella.

(3) We recommend increased attention to the problem of Family Abduction. The incidence of this problem proved larger than earlier estimates, and its 163,200 Policy Focal cases were the most numerous of all Policy Focal categories. Family Abductions may well be on the rise and yet could be readily amenable to prevention.

(4) We recommend that all policy, publication, and research on the problem of Runaways take into account the difference between Runaways and Thrownaways. Thrownaways are a large group with different dynamics; they suffer from being lumped together indiscriminately with Runaways.

(5) We recommend special attention and an increased policy focus on the problem of children who run away from institutions. These children are among the most chronic runaways and the ones at highest risk of becoming crime victims and perpetrators; they need a specialized approach.

(6) We recommend new attention to the problems of children who fell into our category of Lost, Injured, or Otherwise Missing. This group, as numerous in total as Runaways, experienced substantially more physical harm than any other category except those who were victims of Non-Family Abductions. The 139,000 children reported to police in this category are almost as numerous as the Runaways reported to police. Some of the children in this category probably experienced quite minor episodes, but others were very serious cases. A policy about missing children needs especially to include the serious group in this category.

(7) We recommend that another set of incidence studies be undertaken 5 years from now, conducted largely along the lines of the present approach with a few modifications. These modifications would include a more comprehensive canvass of police records, a more direct sample of juvenile facilities, and a planned coordination with future child abuse and neglect incidence studies. In addition, we urge that interim methodological studies be undertaken to improve the future incidence efforts.

(8) We recommend that the Department of Justice consider the possibility of ongoing data collection systems, for example, using the National Crime Survey or a police-based "sentinel" system that could provide yearly incidence statistics for some categories of missing and displaced children.

[From the Jacob Wetterling Foundation]

REWARD OF UP TO $200,000 OFFERED IN THE JACOB WETTERLING ABDUCTION

ST. CLOUD, MN, May 4, 1990.—The Jacob Wetterling Task Force, consisting of the Stearns County Sheriff's Department, the F.B.I., and the State Bureau of Criminal Apprehension (BCA), today announced an increase in the reward fund of the Jacob Wetterling abduction.

A reward of up to $100,000 is being offered for information leading to the arrest of the suspect in the abduction of Jacob Wetterling. An additional reward of up to $100,000 is being offered for information leading to Jacob's safe return. Money for the reward is being provided by the Jacob Wetterling Foundation, Crimestoppers, and anonymous donations.

The Task Force is especially interested in hearing from a caller who first contacted them on November 1, 1989. The caller had specific information involving a possible suspect in Jacob's abduction and it was indicated that the call was being made from within a few miles of the abduction site. The caller said a second call would possibly be made, but as of this date, the caller has not called back.

The Task Force encourages this caller or any other persons having information regarding Jacob Wetterling's abduction to contact them at the Stearns County Sheriff's Department (612) 251-4240; Crime Stoppers (612) 255-1301 or toll free 1-800-255-1301.

Jacob Wetterling was abducted on Sunday, October 22, 1989, from the 91st Avenue South in St. Joseph, Minnesota at approximately 9:15 p.m. He and his brother and a friend were approached by a male subject wearing dark clothing and carrying a handgun. Jacob's brother and friend were allowed to leave but Jacob was forced to remain. No vehicle was seen. Jacob is five feet tall, 75 pounds, and has brown hair, blue eyes and a mole on his left cheek.

MISSING (STRANGER ABDUCTED)

A $200,000 reward is being offered for information leading to the safe return of Jacob Wetterling to his home.

Jacob was abducted on Sunday, October 22, 1989, from 91st Avenue South of St. Joseph, Minnesota at approximately 9:15 p.m. He and his brother and a friend were approached by a male subject wearing dark clothing carrying a handgun. Jacob's brother and friend were allowed to leave but Jacob was forced to remain. No vehicle was seen. Jacob is five feet tall, 75 pounds, brown hair, blue eyes, mole on left cheek, wearing a red hockey jacket with an orange vest, blue sweat pants, and Nike high top tennis shoes.

If you have any information, please call the Stearns County Sheriff's Department at 612-251-4240 or Crime Stoppers at 612-255-1301 or toll free 1-800-255-1301.

An account has been established at the First State Bank of St. Joseph as a reward fund and search fund. Your support would be much appreciated.

THE JACOB WETTERLING FOUNDATION—IN SERVICE TO CHILDREN ABDUCTED BY A STRANGER

BACKGROUND

Since the National Center for Missing Children began keeping records in mid-June 1984, 871 children have been reported kidnapped or abducted by a stranger. Out of these, only 189 children have been found alive and returned to their families, 115 were found deceased, and the remaining 567 are still missing. It is unknown how many cases have gone unreported.

Specialists in the field report that the predominant motive for a stranger to abduct a child is to sexually assault the child. This danger to our children must be eliminated.

MISSION

As a non-profit organization, we have several missions: to assist and support the rescue effort, to educate the public on stranger abduction issues, to develop a national database to assist in the immediate dissemination of information when a stranger abduction occurs.

RESCUE

Once an abduction has occurred, authorities agree that time is the most critical element. All participating organizations must be mobilized within minutes of the abduction. A key element is the immediate dissemination of information about the abduction and accompanying photographs and visuals to enhance identification and apprehension, and secure the safe return of the child.

The Jacob Wetterling Foundation may assist in the investigation as a member of the rescue team—enhancing the flow of information to the media thereby gaining valuable leads for the investigation. Our track record in gaining leads for investigators is outstanding.

EDUCATION

Education can play a significant role in reducing the chance of stranger child abductions. Children can learn ways to correctly respond to stranger intrusions, adults can learn what situations and freedoms are age appropriate for their children, and workshops and seminars can be given to organizations and agencies who work with child abduction events.

Our education programs will reach out to these specific groups:

Children, especially ages 5 to 15,

School teachers and administrators,

Adults,

Service organizations, and related agencies,

Law enforcement professionals

Where appropriate, materials will be developed for each of these groups which will address the various stages of the abduction process: pre-abduction, abduction event, post-abduction.

Indeed, there are many victims where an abduction takes place: the abducted child, family, friends, schools, community, and the region around where the abduction took place. Programs and materials need to be developed to help people deal with the issues related to their feelings, safety, there sense of loss, and the investigative process.

PUBLICITY

Aside from law enforcement investigative process, publicity is the next most critical element to rescuing an abducted child.

During the movement of the child from place to place, there is a chance that an innocent observer may come in contact with or see the abducted child or his abductor. If that observer has had prior exposure to photographs, illustrations, or descriptions of the child or the abductor, then they will be equipped to respond to authorities. Proper communications will alert the public of the abduction event, the victim and suspect, and call them into action.

The Jacob Wetterling Foundation has both the experience and the contact network to be effective in this area. The Foundation's ability to interest and sustain media coverage of a stranger abduction event is unprecedented.

INFORMATION SERVICES

With time being such a critical element in the rescue of an abducted child, it is imperative that the picture of the abducted child and any suspects be distributed in a consistent and methodological manner: first with broad local coverage, to regional coverage, then to national and international coverage as the investigation dictates.

The need for highly developed databases of: every local, regional and national law enforcement office; road-side rest stations, gas stations, and convenience stores; hotel and motel locations, however remote—all points of contact that an abductor may come in contact with as he may move the child around in an attempt to avoid apprehension—all should be a ready point of contact within minutes of an abduction.

STAFF

Ron Marotte, Executive Director/CEO.

Ann Scherer, Promotions & Publicity Coordinator.

Rose Ann Faber, Education Programs Coordinator.

LOCATION

Jacob Wetterling Foundation, 32 First Avenue North West, P.O. Box 639, St. Joseph, MN 56374-0639, Ph 612-363-0470, Fx 612-363-0473.

Jacob Wetterling Foundation Board Members: Vern Iverson, Ron Marotte, Scott Meyer, Sr. Mary Reuter, Kay Vinje, Jerry Wetterling, and Patricia Wetterling.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HATCH ACT REFORM AMENDMENTS OF 1989

Mr. HELMS. Mr. President, I am convinced that America's civil service is the best in the world. while there are isolated instances of corruption, on the whole our Nation is not plagued with the public corruption endemic to so many other nations.

Nonetheless, Mr. President, I regret that the bill now pending would tear down one of the pillars on which the integrity of the civil service has been built. In fact, the very success of the Hatch Act in eliminating political corruption from the Federal work force has led this bill's proponents to assume that it is now safe to essentially do away with it.

I do not doubt their sincerity, but they are making a grave mistake. While science and the times may change, human nature does not. The prevalence of political corruption in the 1930's made obvious the necessity of the Hatch Act's enactment then; it should now warn us just as clearly that it would be unwise to repeal or modify it. Public corruption will not revisit America tomorrow if we do, but it is certain to resurface much more quickly than the years that were required to eradicate it.

Mr. President, I feel it is important to emphasize what Federal employees can and cannot do under current law.

Under the Hatch Act Federal employees may: Frist, register to vote; second, voluntarily contribute money to partisan political candidates; third, attend political conventions as spectators; fourth, assist in voter registration drives; fifth, participate as election judges or poll watchers; sixth, attend political fundraising events; seventh, wear political buttons off duty; and eighth, run as nonaffiliated candiates in partisan elections in areas with high concentrations of federal employees.

The Hatch Act does prevent a Federal employee from taking an active role in partisan political activities. He or she cannot: First, run as a partisan political candidate for public office; second, hold office in a political party; third, solicit or handle political contributions; fourth, organize partisan political fundraising activities; fifth, make partisan political speeches for candidates; sixth, work in the political campaign of a partisan candidate; and seventh, pass out partisan political campaign literature.

Mr. President, almost nothing has been said in this debate about the fact that in exchange for imposing restrictions on Federal employees' engaging in partisan political activities, the Federal Government has in turn guaranteed career civil service employees that they may not be fired for partisan political reasons.

Are the two unavoidably linked? If Federal employees really demand unfettered participation in the political process—in effect to campaign for candidates whom they prefer to be their superiors—and against those they do not want—then should they not be prepared to accept an equally unfettered political process whereby those whom they opposed in the political campaign may dismiss them when elected, if elected?

Mr. President, the real question here is whether the spoils system is to be resurrected. Have we forgotten history? Do we not know that such a system led to graft and corruption within government? I do not want to return to the days of the spoils system, but neither do I want to enter a new era where Federal employees can participate in political and emotional campaigns against their elected superiors and then have the public expect that their performance on the job—as well as their service to the public—will not be affected if and when they lose. That is too much to expect of human nature.

For instance, what President could have confidence that his policies will be faithfully carried out by a Federal

agency when the agency's senior executives were prominent supporters of his political opponent?

Mr. President, while I am opposed to this particular bill, I am not insensitive to the concerns of the many Government workers who have discussed this issue with me. I am convinced that a compromise can be worked out where they could participate in political campaigns by distributing literature off the job and various other specified activities.

However, I cannot—as this bill does—endorse the concept that Federal employees may: First, hold office in either of the political parties; second, solicit or handle political contributions from either the public or their coworkers; or third, make public speeches in support of partisan candidates so that the public confuses the Federal employees' political views off the job with their official duties on the job.

I reiterate, I am not opposed to some relaxation of the Hatch Act, but the pending bill is just too one sided. For example, under this bill Federal employees would be allowed to solicit political contributions only—repeat: only—for the Political Action Committees [PAC's] of Federal employee unions. As Al Smith used to say: Look at the record. Clearly, the Federal employee unions have never distributed PAC funds on a nonpartisan basis.

Mr. President, the proponents of the pending bill seek to enable the various unions to raise funds from the Federal work force for partisan political purposes even as they argue that Federal employees no longer need to fear such political coercion. It is precisely that kind of coercion that led to the enactment of the Hatch Act in the first place.

As a result, employee unions, will be allowed to pressure Federal employees for partisan campaign purposes. The bottom line is that Federal employees will once again be pressured for political purposes, and, presto: The spoils system is back again in full force.

Mr. President, we need to remember that in addition to protecting individual Federal employees from political coercion, the Hatch Act serves to protect the general public from political intimidation by a politically partisan Federal bureaucracy. It is significant that the most egregious public corruption in the 1930's occurred in a Federal benefit program—the Works Progress Administration—where what amounted to a public assistance job was jeopardized when individuals did not support—with their time as well as their money—candidates endorsed by their superiors.

As John R. Bolton wrote in his article, "The Hatch Act, a Civil Libertarian Defense":

> Government workers have a right to be free from political coercion—particularly from any systematic solicitation by either their superior or their co-workers. Since the power the coerce derives in substantial amount from the power vested in government, the Hatch Act is, in effect, a case of the government restraining itself. Non-governmental employees have similar First Amendment rights—the right not to have their freedom to engage in political activity "chilled" by political activists who also administer government programs and regulatory law-enforcement agencies. The most acute government responsibility is that government not allow itself to be used to skew the political process.

Mr. President, Congressman J. Will Taylor of Tennessee stated, during the original Hatch Act in 1939:

> No one in this country ever dreamed that the time would come in the United States when public money, appropriated for the alleviation of human distress, could be sabotaged and prostituted as it was [to extort votes] * * * to a greater or lesser degree in every State in the Union.

Mr. President, just as no one dreamed it could happen then, no one dreams that it can happen now. But, Mr. President, I know that just as it did in fact happen 50 years ago, it will happen again if we pass this bill.

Mr. President, ultimately this bill and the Hatch Act are about preserving a free ballot. This bill as currently written threatens it while the Hatch Act currently protects it. Therefore, I urge Senators to vote for a free ballot and against this bill as now written.

The bottom line is this: The pending bill and the Hatch Act—which this bill would gut—raise the question of whether Congress wants to preserve the free ballot. This bill, as currently written, threatens it. The Hatch Act protects it. Therefore, I hope Senators will vote for a free ballot and against this bill.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there be a period for morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Kalbaugh, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE RECEIVED DURING RECESS

ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of January 3, 1989, the Secretary of the Senate, on May 7, 1990, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills:

H.R. 1472. An act to establish the Grand National Recreation Area in the State of Michigan, and for other purposes; and

H.R. 3802. An act to designate May 1990 as "Asian/Pacific American Heritage Month."

Under the authority of the order of January 3, 1989, the enrolled bill H.R. 3802 was signed on May 7, 1990, during the recess of the Senate, by the President pro tempore [Mr. BYRD].

The enrolled bill H.R. 1472 was signed on May 7, 1990, during the session of the Senate by the Acting President pro tempore [Mr. BINGAMAN].

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BURDICK, from the Committee on Environment and Public Works, with amendments and an amendment to the title:

S. 2068: A bill to designate the U.S. courthouse located at 1800 Fifth Avenue North in Birmingham, AL, as the "Robert Smith Vance United States Courthouse" (Rept. No. 101-280).

By Mr. BURDICK, from the Committee on Environment and Public Works, without amendment:

H.R. 922. A bill to designate the building located at 1515 Sam Houston Street in Liberty, Texas, as "M.P. Daniel and Thomas F. Calhoon, Senior, Post Office Building."

H.R. 2890. A bill to redesignate the Federal buildings and courthouse located in East St. Louis, IL, as the "Melvin Price Federal Courthouse."

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. LIEBERMAN:

S. 2582. A bill to amend the act entitled "An Act to extend the Wetlands Loan Act" to provide for the expansion of the Stewart B. McKinney National Wildlife Refuge; to the Committee on Environment and Public Works.

By Mr. BOSCHWITZ:

S. 2583. A bill to provide that taxpayers may rely on Internal Revenue Service guidelines in determining the funding limits for pension plans; to the Committee on Finance.

By Mr. BOREN (for himself, Mr. SYMMS, Mr. PRYOR, Mr. CHAFEE, and Mr. WALLOP):

S. 2584. A bill to amend the Internal Revenue Code of 1986 to provide that the deduction for State and local income and franchise taxes shall not be allocated to foreign

source income; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LIEBERMAN:

S. 2582. A bill to amend the act entitled "An Act to extend the Wetlands Loan Act" to provide for the expansion of the Stewart B. McKinney National Wildlife Refuge; to the Committee on Environment and Public Works.

CONNECTICUT COASTAL PROTECTION ACT OF 1990

● Mr. LIEBERMAN. Mr. President, the late Congressman Stewart B. McKinney considered his successful efforts to protect Connecticut's shoreline among his most important accomplishments. Today, I am introducing legislation which would expand what is now known as the Stewart B. McKinney National Wildlife Refuge, a series of islands, preserved wetlands and nesting areas in Long Island Sound, by approximately 1,000 acres.

At 338 acres, the McKinney Refuge is the smallest in the country, and yet because of its position in the East Coast Flyway, it is one of the most important. To Milford Point, Sheffield, Chimon, and Falkner islands, the legislation would add 690 acres known as the Great Meadows Marsh, in Stratford, CT; 230 acres at the Menunketesuck River marsh and Menunketesuck Island in Westbrook, CT; and approximately 80 acres in the vicinity of Norwalk Harbor in Norwalk, CT. In addition, this legislation would enable the Secretary of the Interior to manage the Salt Meadow National Wildlife Refuge as an element of the Stewart B. McKinney National Wildlife Refuge.

Newly protected as a result of this bill will be salt marsh, barrier beach, freshwater wetlands, uplands and several coastal islands. Waterfowl, shore birds, wading birds, and songbirds, including several federally and State listed threatened and endangered species rely on these habitats in the face of the rapid development of Connecticut's shoreline. In addition, the salt marshes of this proposed expansion support 23 species of finfish. Offshore shellfish beds in all of the proposed areas support oysters, quahogs, clams, mussels—an important and abundant food supply for many migratory birds.

The U.S. Fish and Wildlife Service supports this expansion. Its environmental assessment of the areas in question, published last November, recommended inclusion of all the areas listed above. The Nature Conservancy has worked closely with the U.S. Fish and Wildlife Service to assemble many of the parcels currently in the refuge, and has pledged to assist the Service in the protection of these new areas.

The consolidation of the Salt Meadow and McKinney refuges will make the entire ecosystem easier to manage. Last year, the Interior appropriations bill dedicated $630,000 for the purpose of building a headquarters and visiting center for the McKinney refuge. Once complete, and if this legislation passes, the McKinney and Salt Meadow refuges will be managed on site, rather than as they are now, from facilities in Rhode Island.

The protection, preservation, and wise management of our Nation's natural resources is one of our greatest responsibilities as legislators. I urge my colleagues to support this contribution toward that objective. As Congressman McKinney was known to say, "a victory for nature is a victory for us all."

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2582

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Connecticut Coastal Protection Act of 1990".

SEC. 2. EXPANSION OF REFUGE.

The Act entitled "An Act to extend the Wetlands Loan Act" (98 Stat. 2774) is amended—

(1) in section 205—

(A) by striking "SEC. 205." and inserting "SEC. 208."; and

(B) by striking "$2,500,000" and inserting "such sums as may be necessary to carry out this Act"; and

(2) by inserting after section 204 the following new sections:

"EXPANSION

"SEC. 205. The Secretary may acquire for addition to the refuge—

"(1) approximately 690 acres of land and water known as the Great Meadows Marsh, in Stratford, Connecticut;

"(2) approximately 230 acres of land and water at the Menunketesuck River marsh and Menunketesuck Island, in Westbrook, Connecticut; and

"(3) approximately 80 acres of land and water in the vicinity of Norwalk Harbor, Connecticut,

as such lands and waters are depicted on the map entitled 'Steward B. McKinney NWR Expansion', dated September 1989 and on file with the United States Fish and Wildlife Service.

"CONSOLIDATED MANAGEMENT

"SEC. 206. The Secretary shall manage the Salt Meadow National Wildlife Refuge as an element of the Steward B. McKinney National Wildlife Refuge.

"FUTURE EXPANSION

"SEC. 207. The Secretary shall report to Congress from time to time concerning proposals to acquire additional lands for the refuge.".●

By Mr. BOSCHWITZ:

S. 2583. A bill to provide that taxpayers may rely on Internal Revenue Service guidelines in determining the funding limits for pension plans; to the Committee on Finance.

SMALL PENSION PLANS

● Mr. BOSCHWITZ. Mr. President, I rise today to introduce legislation which, if enacted, will prevent certain audit practices of the Internal Revenue Service. If these practices remain unchecked, it could result in the termination of thousands of small business defined benefit plans.

Mr. President, as a small businessman and the ranking member of the Senate Small Business Committee, I have for some time been concerned that Federal legislation and accompanying regulations slowly but surely are forcing small business owners to terminate their pension plans. I hear regularly from constituents and their accountants about the burdens imposed under Federal law simply to keep an existing plan in place. What with complicated paperwork and expensive and time-consuming filing requirements, it's surprising that small businesses even attempt to keep up.

Although, I believe that the IRS should prevent abuse of the Tax Code by all taxpayers, I am not supportive of retroactive changes in audit standards which have the effect of placing thousands of plans sponsored by small businesses at risk.

The legislation I am introducing today targets practices which lack regulatory authorization and conflict with the past policies of the IRS. In essence, small businesses are being targeted for audits under new IRS policies which are being applied retroactively. These audits will be expensive and time consuming. Many small businesses lack the resources to fight back.

Let me summarize the issue: Federal standards for defined benefit plans have been developed over a period of about 15 years through IRS revenue rulings, notices, and regulations. These standards are found in the audit guidelines which were issued by the IRS in 1984. Now, these longstanding guidelines are being scrapped, at least for small businesses. And new guidelines, developed without benefit of any public comment or congressional involvement, are being applied retroactively.

Currently, when an employer establishes a defined benefit plan, it is obligated to pay each eligible employee a predetermined benefit when the employee retires, dies, becomes disabled, or terminates employment. Given that, the employer assumes the entire burden of being able to meet the actuarial assumptions of the plan; it bears responsibility for assuring that sufficient funds are invested in the plan to assure that the specified benefit will be available as employees retire.

For about the past 15 years, the IRS has taken the position that actuarial assumptions must be reasonable; an

interest rate of 5 to 6 percent and estimated retirement age of 55 has been held to satisfy this requirement. Now, the IRS has unilaterally altered its standard and requires an assumed interest rate of 8 percent and retirement age of 65. The obvious implication of doing so will be to reduce the deduction claimed by businesses arising from mandatory plan contributions, resulting in an increase in Federal tax revenues.

Mr. President, the bill I am introducing today is very simple. It simply provides that if a small business relies on the actuarial guidelines promulgated by the IRS, such assumptions shall be deemed reasonable until such time as they are formally amended. Presumably, in the event of amendment, small businesses will be invited to submit comments about the changes in advance. Unilateral, unpublicized changes are so destructive and instill distrust in American citizens regarding the operations of the Federal Government, including the Internal Revenue Service.

I want to thank the small business organizations who have brought this issue to the attention of the Senate. I look forward to pursuing this subject through hearings in the Small Business Committee and, hopefully, here on the floor of the Senate.

I ask unanimous consent that the full text of my legislation be printed in the RECORD at the conclusion of my statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2583

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

(a) GUIDELINES FOR ACTUARIAL ASSUMPTIONS.—For purposes of section 412(c)(3) of the Internal Revenue Code of 1986 and section 302(c)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1082(c)(3)), actuarial assumptions used by a plan shall be treated as reasonable if such assumptions are within the guidelines set forth in the Actuarial Guidelines Handbook (Internal Revenue Manual 7(10)5(10), as in effect on December 12, 1984).

(b) PERIOD PROVISION IN EFFECT.—The provisions of subsection (a) shall apply for all plan years ending after December 12, 1984, and beginning before such time as modifications to the guidelines become final; provided that such modifications shall be applied prospectively.

(c) RELIANCE ON PROFESSIONAL GUIDANCE.—If a plan lacks sufficient experience to fall within the purview of the Actuarial Audit Guidelines Handbook, then deference shall be given to the judgment of the plan's Enrolled Actuary with respect to the selection of the actuarial assumption.●

By Mr. BOREN (for himself, Mr. SYMMS, Mr. PRYOR, Mr. CHAFEE, and Mr. WALLOP):

S. 2584. A bill to amend the Internal Revenue Code of 1986 to provide that the deduction for State and local income and franchise taxes shall not be allocated to foreign source income; to the Committee on Finance.

ALLOCATION OF DEDUCTION FOR STATE AND LOCAL INCOME AND FRANCHISE TAXES

● Mr. BOREN. Mr. President, the ability of American businesses to compete with their foreign counterparts is the greatest challenge facing them today in the world marketplace. There have been no shortage of speeches and hearings in Congress about this problem. There has, however, been a shortage of meaningful action. As Congress debates what more might be done, rules and regulations impose additional costs on U.S. businesses competing in the world marketplace.

In response to this situation, today I am introducing legislation along with my colleagues Senators SYMMS, PRYOR CHAFEE, and WALLOP, which provides that U.S. corporations can allocate all deductions for State and local franchise taxes to U.S. source income.

The IRS, after several major changes in position, is requiring U.S. multinationals to allocate a portion of their deduction for State taxes to foreign source income. IRS regulations on this matter were first issued in 1977. Then, a 1979 revenue ruling interpreting those regulations held that a franchise tax measured by income should not be allocated to foreign source income, because it is the cost of the "privilege of doing business" in the State. However, in 1987, this ruling was reversed, retroactively for U.S. corporations and prospectively for foreign corporations. Finally, in December 1988, the IRS issued new regulations, retroactive to 1977, requiring even more extensive allocation of State tax to foreign source income. These regulations have been severely criticized by many taxpayers and States. Nevertheless, the IRS is considering finalizing them.

The IRS position adversely impacts the competitiveness of the U.S. multinationals in world markets. U.S. corporations competing with foreign corporations have an additional cost of doing business when they are in effect, unable to fully deduct their State income taxes. Their foreign competitors operating in the United States, however, are generaly able to obtain the full credit the deduction for State taxes.

The IRS position inequitably subjects U.S. multinationals to inconsistent taxing regimes. States, which are constitutionally prohibited from taxing income attributable to foreign activities, believe they are taxing income attributable to in-State activities. The Supreme Court has affirmed this belief in the face of taxpayer challenges to State taxes. This IRS position, however, is that States are taxing foreign source income. U.S. multinationals are caught in the middle. They are subject to State tax on the grounds the tax is not on foreign source income, but are required to allocate a portion of the tax on the grounds that the tax is on foreign source income. This inconsistent treatment is unjustified and needs to be resolved.

The problems cause by the IRS positions are particularly acute for taxpayers with business operations in States using a factor formula method of taxation. Corporations operating in these States have higher after-tax costs than their competitors operating in other States. The IRS position, therefore, discriminates among State base on their method of taxation.

The legislation I am introducing today solves the problems of the IRS position by providing that all deductions for State and local income and franchise taxes are allocated to U.S. source income for foreign tax credit purposes. The legislation will, in effect, give full deduction for State income taxes, relieve the inequity of subjecting taxpayers to inconsistent taxing regimes, and improve the competitiveness of U.S. multinationals.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2584

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. ALLOCATION OF DEDUCTION FOR STATE AND LOCAL INCOME AND FRANCHSE TAXES FOR FOREIGN TAX CREDIT PURPOSES.

(a) IN GENERAL.—Subsection (b) of section 904 of the Internal Revenue Code of 1986 (relating to taxable income for purpose of computing limitation) is amended by adding at the end thereof the following new paragraph:

"(5) DEDUCTION FOR STATE AND LOCAL INCOME AND FRANCHISE TAXES.—For purposes of computing taxable income under this subpart, and deduction for any State and local income or franchise tax shall not be allocated or apportioned to gross income from sources without the United States."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1976.●

ADDITIONAL COSPONSORS

S. 659

At the request of Mr. SYMMS, the names of the Senator from Alaska [Mr. STEVENS] and the Senator from Missouri [Mr. BOND] were added as cosponsors of S. 659, a bill to repeal the estate tax inclusion related to valuation freezes.

S. 1076

At the request of Mr. BURDICK, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 1076, a bill to increase public under-

standing of the natural environment and to advance and develop environmental education and training.

S. 2051

At the request of Mr. HEFLIN, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of S. 2051, a bill to amend the Social Security Act to provide for more flexible billing arrangements in situations where physicians in the solo practice of medicine or in another group practice have arrangements with colleagues to "cover" their practice on an occasional basis.

S. 2146

At the request of Mr. DOMENICI, the name of the Senator from Colorado [Mr. WIRTH] was added as a cosponsor of S. 2146, a bill to clarify the authority of the Small Business Administration to make disaster assistance loans to small businesses in case of disasters determined by the Secretary of Agriculture.

S. 2150

At the request of Mr. SYMMS, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 2150, a bill to set aside a fair proportion of the Highway Trust Fund moneys for use in constructing and maintaining off-highway recreational trails.

S. 2159

At the request of Mr. BOSCHWITZ, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 2159, a bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age.

S. 2215

At the request of Mr. HARKIN, the names of the Senator from Hawaii [Mr. INOUYE] and the Senator from Colorado [Mr. WIRTH] were added as cosponsors of S. 2215, a bill to amend the Public Health Service Act to provide for the development and operation of centers to conduct research with respect to contraception and centers to conduct research with respect to infertility, and for other purposes.

S. 2256

At the request of Mr. HARKIN, the names of the Senator from Alaska [Mr. MURKOWSKI], the Senator from Wisconsin [Mr. KOHL], and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of S. 2256, a bill to amend title XIX of the Public Health Service Act to clarify the provisions of the allotment formula relating to urban and rural areas, and for other purposes.

S. 2467

At the request of Mr. ARMSTRONG, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 2467, a bill to amend the Internal Revenue Code of 1986 to provide civil damages for certain careless collection actions.

S. 2497

At the request of Mr. DECONCINI, the names of the Senator from Pennsylvania [Mr. HEINZ] and the Senator from Washington [Mr. ADAMS] were added as cosponsors of S. 2497, a bill to establish a demonstration program to allow drug-addicted mothers to reside in drug abuse treatment facilities with their children, and to offer such mothers new behavior and education skills which can help prevent substance abuse in subsequent generations.

S. 2520

At the request of Mr. CHAFEE, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 2520, a bill to establish permanent Federal and State drug treatment programs for criminal offenders, and for other purposes.

S. 2526

At the request of Mr. BOSCHWITZ, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 2526, a bill to establish a program to improve access by small and large private businesses to technical information and expertise within the Federal Government and selected States.

S. 2538

At the request of MR. CHAFEE, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 2538, a bill to amend titles XVIII and XIX of the Social Security Act to improve the delivery of services at federally qualified health centers and rural health clinics, and for other purposes.

S. 2571

At the request of Mr. GORE, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 2571, a bill to amend the Antarctic Conservation Act of 1978 to protect the environment of Antarctica, and for other purposes.

SENATE JOINT RESOLUTION 248

At the request of Mr. BOSCHWITZ, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of Senate Joint Resolution 248, a joint resolution to designate the month of September 1990 as "International Visitor's Month."

SENATE JOINT RESOLUTION 272

At the request of Mr. COCHRAN, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of Senate Joint Resolution 272, a joint resolution to designate March 30, 1990, as "National Doctor's Day."

SENATE JOINT RESOLUTION 279

At the request of Mr. SPECTER, the name of the Senator from West Virginia [Mr. BYRD] was added as a cosponsor of Senate Joint Resolution 279, a joint resolution to designate the week of September 16, 1990, through September 22, 1990, as "National Rehabilitation Week."

SENATE JOINT RESOLUTION 284

At the request of Mr. BYRD, the name of the Senator from California [Mr. WILSON] was added as a cosponsor of Senate Joint Resolution 284, a joint resolution to designate the week beginning September 16, 1990 as "National Give the Kids a Fighting Chance Week."

SENATE JOINT RESOLUTION 286

At the request of Mr. RIEGLE, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of Senate Joint Resolution 286, a joint resolution to designate the week beginning May 6, 1990, as "National Correctional Officers Week."

SENATE JOINT RESOLUTION 290

At the request of Mr. ARMSTRONG, the names of the Senator from South Carolina [Mr. HOLLINGS], the Senator from New York [Mr. D'AMATO], the Senator from Massachusetts [Mr. KERRY], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Mississippi [Mr. COCHRAN], the Senator from Rhode Island [Mr. PELL], the Senator from Oklahoma [Mr. BOREN], the Senator from Connecticut [Mr. LIEBERMAN], and the Senator from Utah [Mr. HATCH] were added as cosponsors of Senate Joint Resolution 290, a joint resolution to designate the week of July 22, 1990, through July 28, 1990, as the "National Week of Recognition and Remembrance for Those Who Served in the Korean War."

SENATE JOINT RESOLUTION 304

At the request of Mr. SHELBY, the names of the Senator from Illinois [Mr. SIMON] and the Senator from Virginia [Mr. WARNER] were added as cosponsors of Senate Joint Resolution 304, a joint resolution to designate October 17, 1990, as "National Drug-Free Schools and Communities Education and Awareness Day."

SENATE CONCURRENT RESOLUTION 96

At the request of Mr. HOLLINGS, his name was added as a cosponsor of Senate Concurrent Resolution 96, a concurrent resolution to urge the Administration in the strongest possible terms not to propose civil air transport services for inclusion under the General Agreement on Tariffs and Trade (GATT), or the proposed General Agreement on Trade in Services (GATS), and to actively oppose any proposal that would consider civil air transport services as a negotiation item.

AMENDMENTS SUBMITTED

HATCH ACT REFORM AMENDMENTS

ROTH AMENDMENT NO. 1585

Mr. ROTH proposed an amendment to the bill (S. 135) to amend title 5,

United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes, as follows:

On page 3, line 7, strike out all after the comma through "organization" on line 9.

On page 4, line 21, insert before the period the phrase "or hold any office or position within a political party or affiliated organization".

DOLE AMENDMENT NO. 1586

Mr. DOLE proposed an amendment to the bill S. 135, supra, as follows:

On page 4, line 4, strike out "An employee" and insert in lieu thereof "(a) Subject to the provisions of subsection (b), an employee".

On page 4, insert between lines 21 and 22 the following new subsection:

"(b)(1) An employee of the Internal Revenue Service, the Department of Justice, the Federal Election Commission, or the Central Intelligence Agency (except one appointed by the President, by and with the advice and consent of the Senate), may not request or receive from, or give to, an employee, a Member of Congress, or an officer of a uniformed service a political contribution.

"(2) No employee of the Internal Revenue Service, the Department of Justice, the Federal Election Commission, or the Central Intelligence Agency (except one appointed by the President, by and with the advice and consent of the Senate), may take an active part in political management or political campaigns.

"(3) For purposes of this subsection, the term 'active part in political management or in a political campaign' means those acts of political management or political campaigning which were prohibited for employees of the competitive service before July 19, 1940, by determinations of the Civil Service Commission under the rules prescribed by the President.

SIMPSON (AND DOLE) AMENDMENT NO. 1587

Mr. SIMPSON (for himself and Mr. DOLE) proposed an amendment to the bill S. 135, supra, as follows:

On page 9, after line 5, insert:

(d) In no event shall the amendments made by this Act take effect before the date on which there is enacted into law provisions—

(1) which prohibit contributions or expenditures for the purposes of influencing an election for Federal office by any person other than an individual or political party committee; and

(2) which prohibit contributions or expenditures to be made in connection with an election for Federal office, unless such contributions and expenditures are subject to the source and dollar limits, and the reporting requirements, of the Federal Election Campaign Act of 1971.

DOLE AMENDMENT NO. 1588

Mr. DOLE proposed an amendment to the bill S. 135, supra, as follows:

On page 6, insert between lines 3 and 4 the following new section:

"§7326. Penalties

"Any employee who has been determined by the Merit Systems Protection Board to have violated on two occasions any provision of section 7323 or 7324 of this title, shall upon such second determination by the Merit Systems Protection Board be removed from such employee's position, in which event that employee may not thereafter hold any position (other than an elected position) as an employee (as defined in section 7322(1) of this title).".

On page 6, insert between lines 11 and 12, immediately after the matter preceding line 12, the following:

"7326. Penalties.".

NATIONAL ASSESSMENT OF CHAPTER 1 ACT

KENNEDY (AND OTHERS) AMENDMENT NO. 1589

Mr. MITCHELL (for Mr. PELL, for himself, Mrs. KASSEBAUM, Mr. KENNEDY, Mr. JEFFORDS, Mr. RUDMAN, Mr. MURKOWSKI, Mr. SIMON, Mr. LEAHY, Mr. STEVENS, Mr. HUMPHREY, Mr. SANFORD, Mr. BINGAMAN, and Mr. CONRAD) proposed an amendment to the bill (H.R. 3910) to require the Secretary of Education to conduct a comprehensive national assessment of programs carried out with assistance under chapter 1 of title I of the Elementary and Secondary Education Act of 1965, as follows:

At the appropriate place in the bill, insert the following:

SEC. . IMPACT AID.

(a) AMOUNT OF PAYMENTS.—(1) Subparagraph (A) of section 3(d)(2) of Public Law 81-874 is amended to read as follows:

"(A)(i) Except as provided in clause (ii), for any fiscal year after September 30, 1988, funds reserved to make payments under subparagraph (B) shall not exceed $25,000,000 from the funds appropriated for such fiscal year.

"(ii) In the event that the payments made under subparagraph (B) in any fiscal year are less than $25,000,000, such remaining funds as do not exceed $25,000,000 shall remain available until expended for the purpose of carrying out the provisions of subparagraph (B). Such remaining funds shall not be considered part of the funds reserved to make payments under subparagraph (B), but shall be expended if funds in excess of $25,000,000 are needed to carry out the provisions of subparagraph (B) in any fiscal year.

"(iii) If for any fiscal year the total amount of payments to be made under subparagraph (B) exceeds $25,000,000 and the funds described in clause (ii) are insufficient to make such payments, then the provisions of clause (i) shall not apply.".

(2) Subparagraph (B) of section 2(b)(2) of Public Law 101-26 is hereby repealed, and Public Law 81-874 shall be applied and administered as if such subparagraph (B) (and the amendment made by such subparagraph) had not been enacted.

(b) ADJUSTMENTS FOR DECREASES IN FEDERAL ACTIVITIES.—Section 3(e) of Public Law 81-874 is amended to read as follows:

"(e)(1) Whenever the Secretary of Education determines that—

"(A) for any fiscal year, the number of children determined with respect to any local educational agency under subsections (a) and (b) is less than 90 percent of the number so determined with respect to such agency during the preceding fiscal year;

"(B) there has been a decrease or cessation of Federal activities within the State in which such agency is located; and

"(C) such decrease or cessation has resulted in a substantial decrease in the number of children determined under subsections (a) and (b) with respect to such agency for such fiscal year;

the amount to which such agency is entitled for such fiscal year and for any of the 3 succeeding fiscal years shall not be less than 90 percent of the payment such agency received under subsections (a) and (b) for the preceding fiscal year.

"(2) There is authorized to be appropriated for each fiscal year such amount as may be necessary to carry out the provisions of this section, which remain available until expended.

"(3) Expenditures pursuant to paragraph (2) shall be reported by the Secretary to the Committees on Appropriations and Education and Labor of the House of Representatives and the Committees on Appropriations and Labor and Human Resources of the Senate within 30 days of expenditure.

"(4) The Secretary shall make available to the Congress in the Department of Education's annual budget submission, the amount of funds necessary to defray the costs associated with the provisions of this subsection during the fiscal year for which the submission is made.".

(c) APPLICATION.—Section 5(a) of Public Law 81-874 (Impact Aid) (hereafter in this section referred to as "the Act") is amended to read as follows:

"(a) APPLICATIONS.—(1) Any local educational agency desiring to receive the payments to which it is entitled for any fiscal year under sections 2, 3, or 4 shall submit an application therefor to the Secretary and file a copy with the State educational agency. Each such application shall be submitted in such form, and containing such information, as the Secretary may reasonably require to determine whether such agency is entitled to a payment under any of such sections and the amount of any such payment.

"(2) The Secretary shall establish a deadline for the receipt of applications. For each fiscal year beginning with fiscal year 1991, the Secretary shall accept an approvable application received up to 60 days after the deadline, but shall reduce the payment based on such late application by 10 percent of the amount that would otherwise be paid. The Secretary shall not accept or approve any application submitted more than 60 days after the application deadline.

"(3) Notwithstanding any other provision of law or regulation, a State educational agency that had been accepted as an application for funds under section 3 for fiscal years 1985, 1986, 1987 and 1988 shall be permitted to continue as an applicant under the same conditions by which it made application during such fiscal years only if such State educational agency distributes all funds received for the students for which application is being made by such State educational agency to the local educational agencies providing educational services to such students.".

(d) ADJUSTMENTS.—Section 5(c)(2) of Public Law 81-874 is amended by inserting

at the end thereof the following new subparagraph:

"(C) For the purpose of determining the category under subparagraph (A) that is applicable to the local educational agency providing free public education to secondary school students residing on Hanscom Air Force Base, Massachusetts, the Secretary shall count children in kindergarten through grade 8 who are residing on such base as if such students are receiving a free public education from such local educational agency.".

(e) SPECIAL RULE.—The Secretary of Education shall consider as timely filed, and shall process for payment, an application from a local educational agency that is eligible to receive the payments to which it is entitled in fiscal year 1990 under section 2 or 3 of the Act, if the Secretary receives the application by June 29, 1990, and the application is otherwise approvable.

(f) DEFINITION.—Section 403(6) of Public Law 81-874 is amended by inserting the following new sentences at the end thereof: "Such term does not include any agency or school authority that the Secretary determines, on a case-by-case basis—

"(A) was constituted or reconstituted primarily for the purpose of receiving assistance under this Act or increasing the amount of that assistance;

"(B) is not constituted or reconstituted for legitimate educational purposes; or

"(C) was previously part of a school district upon being constituted or reconstituted.

For the purpose of carrying out the provisions of section 3(a), such term includes any agency or school authority that has had an arrangement with a nonadjacent school district for the education of children of persons who reside or work on an installation of the Department of Defense for more than 25 years, but only if the Secretary determines that there is no single school distict adjacent to the school district in which the installation is located that is capable of educating all such children.".

SEC. . BILINGUAL EDUCATION.

Awards made by the Secretary of Education to the Franklin-Northwest Supervisory Union of Vermont under the Bilingual Education Act (20 U.S.C. 3221 et seq.), in amounts of—

(1) $388,076.56 for the period of fiscal year 1984 through fiscal year 1986 (for programs of bilingual education, however characterized),

(2) $400,061.00 for the period of fiscal year 1984 through fiscal year 1986 (for programs of bilingual education, however characterized), and

(3) any expenditure of funds by the Franklin-Northwest Supervisory Union pursuant to the awards described in paragraphs (1) and (2),

shall be treated as if they were made in accordance with the provisions of the Bilingual Education Act for purposes of any claims for repayment asserted by the Secretary of Education.

SEC. . STUDENT LITERACY CORPS.

Section 146 of the Higher Education Act of 1956 is amended to read as follows:

"SEC. 146. AUTHORIZATON OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out the provisions of this part $10,000,000 for fiscal year 1991.".

SEC. . THE HEAD START ACT AND CHAPTER 1 OF TITLE I OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.

(a) FINDINGS.—The Senate finds that—

(1) one in every five children in America, some 12,600,000 youngsters under the age of 18, live in poverty;

(2) the Head Start program and programs under chapter 1 of title I of the Elementary and Secondary Education Act of 1965 are proven early education programs that offer the best opportunity to break the cycle of poverty;

(3) since 1980, spending by the Federal Government for education has decreased by 4.7 percent in real terms;

(4) $1 invested in high-quality preschool programs like Head Start and chapter 1 of title I of the Elementary and Secondary Education Act of 1965 saves $6 in lowered costs for special education, grade retention, public assistance, and crime;

(5) children who enroll in Head Start are more likely than other poor children to be literate, employed, and enrolled in postsecondary education;

(6) children who enroll in Head Start programs are less likely than other poor children to be high school dropouts, teen parents, dependent on welfare, or arrested for criminal or delinquent activity;

(7) children who enroll in programs under chapter 1 of title I of the Elementary and Secondary Education Act of 1965 experience larger increases in standardized achievement scores than comparable students who did not enroll in such programs;

(8) low funding levels for the Head Start Act limit the participation in Head Start programs to less than 20 percent of the eligible population; and

(9) low funding levels for chapter 1 and title I of the Elementary and Secondary Education Act of 1965 limit participation in programs assisted under such Act to less than 50 percent of the eligible population.

(b) SENSE OF SENATE.—It is the sense of the Senate that appropriations for the Head Start Act should be increased to fully serve the potential, eligible population under such Act by fiscal year 1994 and that appropriations for chapter 1 of title I of the Elementary and Secondary Education Act of 1965 should be increased to the authorization level of such Act by fiscal year 1994.

NOTICES OF HEARINGS

SUBCOMMITTEE ON FEDERAL SERVICES, POST OFFICE, AND CIVIL SERVICE

Mr. PRYOR. Mr. President, I would like to announce that the Subcommittee on Federal Services, Post Office, and Civil Service, of the Committee on Governmental Affairs, will hold a hearing on Wednesday, May 9, 1990. The focus of the hearing will be the annual report of the Postmaster General. The Postmaster General will present his report.

The hearing is scheduled to begin at 9:30 a.m., in room 342 of the Senate Dirsken Office Building. For further information, please contact Ed Gleiman, subcommittee staff director, on 224-2254.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. NUNN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, will hold hearings on fraud and abuse in employer sponsored health benefit plans.

This hearing will take place on Tuesday, May 15, 1990, at 9 a.m. in room 342 of the Dirsken Senate Office Building. For further information, please contact Eleanore Hill of the subcommittee staff at 224-3721.

Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, will hold a field hearing on "Drug and Violence: The Criminal Justice System in Crisis."

The hearing will take place on Monday, May 21, 1990, in Portland, ME. For further information please contact Eleanore Hill of the subcommittee staff at 224-3721.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON DEFENSE INDUSTRY AND TECHNOLOGY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Defense Industry and Technology of the Armed Services Committee by authorized to meet in open session on Monday, May 7, 1990, at 2 p.m., to receive testimony of defense science and engineering education programs in review of S. 2171, the Defense Authorization Act for fiscal year 1991.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Select Committee on Indian Affairs be authorized to meet on May 7, 1990, beginning at 2 p.m., in 485 Russell Senate Office Building, on S. 2203, a bill to settle Zuni land claims and S. 1934, the U.S. Housing Act of 1937.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

REGARDING THE DEPARTURE OF ROBERT L. BENDICK FROM THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

● Mr. CHAFEE. Mr. President, I would like to take a moment to pay tribute to an outstanding public servant, who has been a primary force in the protection of the environment in Rhode Island. I am referring to Robert L. Bendick, who has been the director of the Rhode Island Department of Environmental Management since 1982. Bob will be leaving DEM to take a position with the State of New York.

Over the past two decades Bob Bendick and I have worked together on environmental issues in nearly every corner of the State. Bob has a vision, a

vision of open fields and well planned cities, and of bays and rivers free from pollution.

Unlike many others, Bob has acted on his vision, and worked tirelessly to turn it into reality. An example is Bob's work along the Blackstone River. Bob started the effort to protect the environmental and historical importance of the Blackstone River nearly 20 years ago while he was a planner in Woonsocket. I worked closely with Bob to develop and introduce national legislation to create the Blackstone River Valley National Heritage Corridor. Due largely to his efforts and the passage of this legislation, the Blackstone is being transformed into a place where visitors can enjoy the natural environment in the midst of an urban setting.

Rhode Island has done more on open space protection than any other State in the country, and much of the credit for this belongs to Bob Bendick. On a per capita basis, Rhode Island spends more on preserving open space than any other State. In just the past 4 years, Rhode Islanders have approved the expenditure of over $200 million for open space protection and recreation development.

Equally, Bob has had a great deal to do with the improvement of Narragansett Bay. Just a few years ago the bay was threatened with irreversible contamination. His work in establishing the bay as a national estuary and the creation and development of the Narragansett Bay Project has been crucial to the bay's resurgence. During the last 5 years, under Bob's direction, Narragansett Bay has made great strides. According to the U.S. Environmental Protection Agency, over 90 percent of Narragansett Bay is swimable and fishable. According to DEM data, five major wastewater treatment facilities achieved a dramatic decrease in conventional pollutants being discharged into Narragansett Bay. In 1988, more than $22.9 million in Federal and State funds were spent on municipal wastewater treatment facilities. Bob has been a leader in these efforts.

Also Bob was instrumental in establishing Rhode Island as a leader in solid waste management. Presently, more than one-third of the State is participating in a source separation program, and by the end of this year more than 60 percent of the State will be recycling its solid waste. This innovative program would not have been realized without the efforts of Bob Bendick.

Rhode Island owes Bob Bendick a debt of gratitude. He is leaving Rhode Island a healthier, more environmentally sound place than he found it, and for that, we deeply grateful.●

JACK W. CARLSON, SMALL BUSINESS ADMINISTRATION'S MINNESOTA ACCOUNTANT ADVOCATE

● Mr. BOSCHWITZ. Mr. President, I would like to take this opportunity to say a few words about a fine business leader who has devoted many years assisting in the development and growth of small businesses. I am speaking of Jack W. Carlson, attorney with the Thomsen-Nybeck law firm.

Mr. Carlson has just been chosen as the Small Business Administration's Minnesota District Accountant Advocate of 1990. For many years, Jack has selflessly given of his time and expertise to various community and civic activities geared toward promoting small business. Jack's expertise in tax and financial matters has been an invaluable asset to those whom he counsels on a voluntary basis.

Mr. Carlson espouses the entrepreneurial spirit that is so necessary to establishing and developing a successful small business. His commitment and contribution to the community is being recognized today as he is chosen as the Small Business Administration's Minnesota District Accountant Advocate of the Year 1990. I congratulate him for his efforts and wish him continued success.●

NATIONAL NURSES' DAY

● Mr. HATFIELD. Mr. President, I rise today to briefly share with my colleagues the deep respect I have for this Nation's 2 million registered nurses. The National Nurses' Association has declared today National Nurses' Day, and I think the true footsoldiers of health care across this country deserve our recognition.

As health care professionals, nurses are on the front of the frontlines. We may hear the statistics of increasing gunshot wounds, drug addiction, and child abuse, but nurses see those statistics in individual human lives.

Mr. President, nurses see the individual human faces of suffering every single day. They know the handicapped child whose mother could not afford proper prenatal care, the mentally ill person whose life on the street has led to disease and malnutrition, and the Alzheimer's victim left unsure what to do when she fell on the ice. Nurses bring their professional skills to bear, but they also bring their compassion to bear on those individual people and millions more.

Within the next decade, we will need an additional 600,000 nurses in hospitals and a wide variety of nonhospital settings. In the months and years ahead, we no doubt will consider various Federal and State initiatives to encourage more young men and women to choose a career in nursing. But today, I rise simply to offer my deep gratitude and respect to those who already have.●

DONALD E. BERG, SMALL BUSINESS ADMINISTRATION'S MINNESOTA ACCOUNTANT ADVOCATE

● Mr. BOSCHWITZ. Mr. President, I would like to take this opportunity to say a few words about a fine business leader who has devoted many years assisting in the development and growth of small businesses. I am speaking of Donald E. Berg, audit partner with KPMG Peat Marwick.

Mr. Berg has just been chosen as the Small Business Administration's Minnesota District Accountant Advocate of 1990. For many years Don has devoted his time and energy to promoting small businesses, especially those engaged in high technology, health care, and medical technology. In 1984 Don was one of the founders of the well-respected Medical Alley Association. This association has promoted interest and investment in Minnesota as a major center of health care research and innovation.

Mr. Berg espouses the entrepreneurial spirit that is so necessary to establishing and developing a successful small business. His commitment and contributions to the advancement of small business is being recognized today as he is chosen as the Small Business Administration's Minnesota District Accountant Advocate of the Year 1990. I congratulate him for his efforts and wish him continued success.●

FORMER MEMBER OF CONGRESS SAMUEL H. YOUNG ENDORSES CONGRESSIONAL TERM LIMITATION

● Mr. HUMPHREY. Mr. President, many people argue that lack of aggressive, inspiring challengers are a big reason why voters do not turn out at the polls and why today's incumbents spend so much time in office.

Unfortunately, this argument simply does not hold water. If challengers are so lacking, why do incumbents barrage their districts and States with franked, mass mailings in an election year? Why are huge campaign war chests amassed prior to every election cycle?

The reason is that incumbents need these resources to entrench themselves. Job security is a natural craving, and today's Members see their public service as a career. Consequently they utilize any possible tools to cling to office, and unfortunately they have stacked the deck in their favor. Eager staff, easy media access, the frank, pork barrelling all add up to a permanence of 98.5 percent in the House.

If a good person wishes to serve, he or she is effectively prohibited. It is no surprise that Texas alone has 12 out of 27 uncontested House races this year.

As public servants, we have to realize that careerism undermines our mission. Term limitation will eliminate the need to ensure reelection, and thereby allow each Member to exercise the political courage and intellectual honesty our Nation's problems so desperately need.

I ask that a letter I have recently received from former Member Samuel H. Young be printed in the RECORD immediately following my remarks.

The letter follows:

LAW OFFICES,
SAMUEL H. YOUNG,
Lincolnwood, IL, April 15, 1990.

Re constitutional amendment limiting congressional terms—S.J. Res. 235.

Hon. GORDON J. HUMPHREY,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR HUMPHREY: May I acknowledge your recent letter concerning the proposed constitutional amendment to limit terms that persons may serve in the U.S. Congress.

I strongly support your Joint Resolution and the proposed amendment.

Limiting the terms of Congressmen to 12 years in the House and 12 years in the Senate will be a tremendous step toward a more responsive and democratic Congress. It will help preserve the citizen legislator attitude of Congressional members, and it will decrease the motivation to continually increase the size and amount of staff personnel and office expenditures.

Please use my name in support of such S.J. Res. 235. You may also note that I am a former Member of Congress from the 10th Congressional District of Illinois serving in the 1973-1974 Congress.

Yours truly,

SAMUEL H. YOUNG.●

JOHN H. STOUT, SMALL BUSINESS ADMINISTRATION'S MINNESOTA MINORITY BUSINESS ADVOCATE

● Mr. BOSCHWITZ. Mr. President, I would like to take this opportunity to say a few words about a fine business leader who has devoted many years assisting in the development and growth of minority-owned small businesses. I am speaking of John H. Stout, attorney with Fredrikson & Byron law firm.

Mr. Stout has just been chosen as the Small Business Administration's Minnesota District Minority Business Advocate of 1990. For many years John has made a commitment to the development and success of minority-owned businesses. Through his efforts with the Metropolitan Economic Development Association, John was instrumental in assisting in the formation of the Milestone Growth Fund, a venture capital fund that invests in minority-owned businesses. Mr. Stout serves as chairman of the board.

Mr. Stout espouses the entrepreneurial spirit that is so necessary to establishing and developing a successful small business. His commitment and contribution to the community is being recognized today as he is chosen as the Small Business Administration's Minnesota District Minority Business Advocate of the year 1990. I congratulate him for his efforts and wish him continued success.●

NATIONAL NURSES' DAY

● Mr. DURENBERGER. Mr. President, I rise today to give special mention to National Nurses' Day, an event which recognizes the care, competence, and compassion provided by our Nation's 2 million registered nurses, including the 40,000 in my home State of Minnesota.

During a time when many Americans say they are dissatisfied with our health care system, I hope they still appreciate the outstanding level of nursing care they receive in this country. During my Senate career, I have come to appreciate nursing as the glue which holds our fragmented health system together for patients, physicians, and other health professionals. I look to the nursing profession to help us in Congress find innovative ways to improve access to health care while controlling costs.

Mr. President, I would also like to give special mention to the Minnesota Nursing Task Force Group, which I formed in 1989. This group is comprised of Barbara O'Grady of Waterville, MN, Sharon Price Aadalen of St. Paul, Marliyn Molen of East St. Paul, Barb Tebbitt or Shoreview, Dodie Russell of St. Paul, Sonya Meyerholz of St. Paul, Annette McBeth of Mankato, Mary Balzer of St. Paul, Jeannine Bayard of St. Paul, Marge Jamieson of St. Paul, LaVohn Josten of Minneapolis, Sue Stout of St. Paul, Gayle Hansen of Fairmont, Betty Sheppard of Willmar, and Bernadine Feldman of Minneapolis.

The task force has both educated me about advances in nursing and given me a vision of how nursing—working with physicians and community leaders—can improve our health care system. I am pleased to note that this group is developing a community based model for acute and long-term nursing care which will be managed by nurse practitioners and block nurses. My hope is that this managed care model can be used in medically underserved areas throughout the country.

Mr. President, in closing, I want to thank our Nation's registered nurses for their professionalism, their contributions to health care in this country, and their ability to continually adapt to their evolving role in health care delivery.●

FRANK KILIBARDA, SR., SMALL BUSINESS ADMINISTRATION'S MINNESOTA EXPORTER OF THE YEAR

● Mr. BOSCHWITZ. Mr. President, I would like to take this opportunity to say a few words about a fine business leader who has devoted many years in the community of Mankato, MN, building and expanding his export business. I am speaking of Frank Kilibarda, Sr., president of Minnesota Hardwoods, Inc.

Mr. Kilibarda, Sr., has just been chosen as the Small Business Administration's Minnesota District Exporter of the Year. Through hard work and determination, Frank's company has experienced a 600-percent growth in export sales since 1986. This growth has had a postive impact on the economic environment in Mankato by a doubling of employment at Frank's company.

Mr. Kilibarda, Sr., espouses the entrepreneurial spirit that is so necessary to establishing and developing a successful small business. His commitment and contribution to the community is being recognized today as he is chosen as the Small Business Administration's Minnesota District Exporter of the Year. I congratulate him for his efforts and wish him continued success.●

HIGH SCORES FOR AMERICAN COLLEGE TESTING IN WISCONSIN

● Mr. KASTEN. Mr. President, it is with great pride that I rise today to give high—and well-deserved—praise to the students in my home State of Wisconsin. The students in Wisconsin have once again outperformed students in all other States on American College Testing [ACT] test scores.

Over the last several years, Wisconsin students have consistently worked hard to achieve high ACT scores. In 1987, Wisconsin took the top spot for the highest average test score on the ACT. In 1988, Iowa held first place, with Wisconsin trailing slightly. Last year, and once again this year, Wisconsin tied for first place with Iowa.

Mr. President, the schoolteachers, school administrators, and parents of Wisconsin deserve a lot of credit for this outstanding achievement. This is yet another example of how strong parental guidance, community and school support produce excellent results. And they have certainly made Wisconsin a model of excellence for America's schools.

Finally, Mr. President, let me repeat how proud I am of the outstanding job our students have done. These students are being the best they can be—so once again, hats off to them.●

JILL J. JOHNSON, SMALL BUSINESS ADMINISTRATION'S MINNESOTA YOUNG ENTREPRENEUR

● Mr. BOSCHWITZ. Mr. President, I would like to take this opportunity to say a few words about a fine business leader who exemplifies the American entrepreneurial spirit that is so essential to the development and growth of small business. I am speaking of Jill Johnson, owner of Johnson Consulting Services.

Ms. Johnson has just been chosen as the Small Business Administration's Minnesota District Young Entrepreneur of 1990. In 1987, Jill founded Johnson Consulting Services, specializing in business planning, market research and strategic development. With hard work and determination, Jill's company has shown a profit every year since it has opened its doors. That is quite an achievement and I commend her for her success.

Jill willingly shares her business knowledge with other aspiring entrepreneurs. Her commitment and contribution to the advance of small business is being recognized today as she is chosen as the Small Business Administration's Minnesota District Young Entrepreneur of the Year 1990. I congratulate her for her efforts and wish her continued success.●

RETIREMENT OF REV. DR. ROGER MARLIN STRESSMAN

● Mr. BRYAN. Mr. President, I rise today to commemorate the work of one of Nevada's outstanding citizens. Since the Reverend Dr. Roger Marlin Stressman entered the ministry 48 years ago, he has been offering guidance and support to people throughout the country. Now, upon his retirement, I want to thank Reverend Stressman for the wisdom, dedication, and love he has shown over the years to all those he has known and counseled.

Reverend Stressman was the first-ever district superintendent of the United Methodist Church in Nevada, and formed the north district which includes northern Arizona, eastern California, and southern Nevada. Consequently, though we in Las Vegas have only had the privilege of knowing the Reverend and his wife, Jane, since 1985, he has had a tremendous impact on our community.

Mr. President, the Reverend Dr. Stressman served his Lord, his parishioners, and his community faithfully, with great love and dedication. On behalf of all those who know him personally and even those who may not be aware of his impact, I thank the Reverend and his family for joining our community and helping to make it as healthy and prosperous as it is.●

THE 40TH ANNIVERSARY OF MARYMOUNT UNIVERSITY

● Mr. WARNER. Mr. President, it is my pleasure today to recognize the 40th anniversary of a fine academic institution, Marymount University. Located in Arlington, VA, it was founded in 1950 by the Religious of the Sacred Heart of Mary as a 2-year liberal arts college for women.

Although the first graduating class had only 9 members, Marymount has grown into a coeducational 4-year university with a student body of nearly 3,000. Academic programs today include both undergraduate and graduate studies in education-human resources, nursing, arts and sciences, and business administration.

This success is due in large part to the 30 years of outstanding leadership of Sister Majella, who is now the longest tenured woman president in the country.

It is indeed an honor to salute Marymount University on this happy occasion. I wish the students, faculty, and administration continued growth and success in this 40th anniversary year as well as in the years to come.●

MIKE KENNEDY, SMALL BUSINESS ADMINISTRATION'S MINNESOTA MEDIA ADVOCATE

● Mr. BOSCHWITZ. Mr. President, I would like to take this opportunity to say a few words about a fine business leader who had devoted many years assisting in the development and growth of small businesses. I am speaking of Mike Kennedy, former business editor, St. Cloud Daily Times.

Mr. Kennedy has just been chosen as the Small Business Administration's Minnesota District Media Advocate of 1990. For many years Mike wrote articles for the St. Cloud Daily Times that served to bring the small business and the consumer together on a common ground. Mike sought to educate the small business owner on current issues and trends and to educate the consumer on the value of small businesses to the community. Both efforts resulted in a heightened overall awareness and appreciation of both groups within the community.

Mr. Kennedy's commitment and contribution to the advancement of small business is being recognized today as he is chosen as the Small Business Administration's Minnesota District Media Advocate of the year 1990. I congratulate him for his efforts and wish him continued success.●

FEDERAL RETIREES EMPLOYMENT IN CONNECTION WITH 1990 CENSUS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4637, a bill related to Federal retirees employment in connection with the 1990 census just received from the House.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 4637) to amend Public Law 101-86 to eliminate the 6-month limitation on the period for which civilian and military retirees may serve as temporary employees, in connection with the 1990 decennial census of population, without being subject to certain offsets from pay or other benefits.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill.

There being no objection, the Senate proceeded to the consideration of the bill.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment.

The bill (H.R. 4637) was ordered to a third reading, was read the third time, and passed.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

REIMBURSEMENT FOR TRAVEL EXPENSES RELATED TO RELOCATION OF FEDERAL EMPLOYEES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 498, S. 1424, to provide travel expense reimbursement to relocated Federal employees.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 1424) to amend chapter 57 of title 5, United States Code, to provide that reimbursement for certain travel expenses related to relocation of Federal employees shall apply to all stations within the United States.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to the consideration of the bill.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment.

If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1424

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second sentence of section 5724a(a)(2) of

title 5, United States Code, is amended by striking out "continental".

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL ASSESSMENT OF CHAPTER 1 ACT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 466, H.R. 3910, regarding a national assessment of programs under title I of the Elementary and Secondary Education Act of 1965.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3910) to require the Secretary of Education to conduct a comprehensive national assessment of programs carried out with assistance under chapter 1 of title I of the Elementary and Secondary Education Act of 1965.

The PRESIDING OFFICER. Is there objection to the request of the majority leader?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 1589

Mr. MITCHELL. Mr. President, on behalf of Senators PELL, KASSEBAUM, KENNEDY, and JEFFORDS, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maine Mr. MITCHELL, (for himself and Mr. PELL): MRS. KASSEBAUM, Mr. KENNEDY, Mr. JEFFORDS, Mr. RUDMAN, Mr. MURKOWSKI, Mr. SIMON, Mr. LEAHY, Mr. STEVENS, Mr. HUMPHREY, Mr. SANFORD, Mr. BINGAMAN, and Mr. CONRAD, proposes an amendment numbered 1589.

Mr. MITCHELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. . IMPACT AID.

(a) AMOUNT OF PAYMENTS.—(1) Subparagraph (A) of section 3(d)(2) of Public Law 81-874 is amended to read as follows:

"(A)(i) Except as provided in clause (ii), for any fiscal year after September 30, 1988, funds reserved to make payments under subparagraph (B) shall not exceed $25,000,000 from the funds appropriated for such fiscal year.

"(ii) In the event that the payments made under subparagraph (B) in any fiscal year are less than $25,000,000, such remaining funds as do not exceed $25,000,000 shall remain available until expended for the purpose of carrying out the provisions of subparagraph (B). Such remaining funds shall not be considered part of the funds reserved to make payments under subparagraph (B), but shall be expended if funds in excess of $25,000,000 are needed to carry out the provisions of subparagraph (B) in any fiscal year.

"(iii) If for any fiscal year the total amount of payments to be made under subparagraph (B) exceeds $25,000,000 and the funds described in clause (ii) are insufficient to make such payments, then the provisions of clause (i) shall not apply.".

(2) Subparagraph (B) of section 2(b)(2) of Public Law 101-26 is hereby repealed, and Public Law 81-874 shall be applied and administered as if such subparagraph (B) (and the amendment made by such subparagraph) had not been enacted.

(b) ADJUSTMENTS FOR DECREASES IN FEDERAL ACTIVITIES.—Section 3(e) of Public Law 81-874 is amended to read as follows:

"(e)(1) Whenever the Secretary of Education determines that—

"(A) for any fiscal year, the number of children determined with respect to any local educational agency under subsections (a) and (b) is less than 90 percent of the number so determined with respect to such agency during the preceding fiscal year;

"(B) there has been a decrease or cessation of Federal activities within the State in which such agency is located; and

"(C) such decrease or cessation has resulted in a substantial decrease in the number of children determined under subsections (a) and (b) with respect to such agency for such fiscal year;

the amount to which such agency is entitled for such fiscal year and for any of the 3 succeeding fiscal years shall not be less than 90 percent of the payment such agency received under subsections (a) and (b) for the preceding fiscal year.

"(2) There is authorized to be appropriated for each fiscal year such amount as may be necessary to carry out the provisions of this section, which remain available until expended.

"(3) Expenditures pursuant to paragraph (2) shall be reported by the Secretary to the Committees on Appropriations and Education and Labor of the House of Representatives and the Committees on Appropriations and Labor and Human Resources of the Senate within 30 days of expenditure.

"(4) The Secretary shall make available to the Congress in the Department of Education's annual budget submission, the amount of funds necessary to defray the costs associated with the provisions of this subsection during the fiscal year for which the submission is made.".

(c) APPLICATION.—Section 5(a) of Public Law 81-874 (Impact Aid) (hereafter in this section referred to as "the Act") is amended to read as follows:

"(a) APPLICATIONS.—(1) Any local educational agency desiring to receive the payments to which it is entitled for any fiscal year under sections 2, 3, or 4 shall submit an application therefor to the Secretary and file a copy with the State educational agency. Each such application shall be submitted in such form, and containing such information, as the Secretary may reasonably require to determine whether such agency is entitled to a payment under any of such sections and the amount of any such payment.

"(2) The Secretary shall establish a deadline for the receipt of applications. For each fiscal year beginning with fiscal year 1991, the Secretary shall accept an approvable application received up to 60 days after the deadline, but shall reduce the payment based on such late application by 10 percent of the amount that would otherwise be paid. The Secretary shall not accept or approve any application submitted more than 60 days after the application deadline.

"(3) Notwithstanding any other provision of law or regulation, a State educational agency that had been accepted as an applicant for funds under section 3 for fiscal years 1985, 1986, 1987 and 1988 shall be permitted to continue as an applicant under the same conditions by which it made application during such fiscal years only if such State educational agency distributes all funds received for the students for which application is being made by such State educational agency to the local educational agencies providing educational services to such students.".

(d) ADJUSTMENTS.—Section 5(c)(2) of Public Law 81-874 is amended by inserting at the end thereof the following new subparagraph:

"(C) For the purpose of determining the category under subparagraph (A) that is applicable to the local educational agency providing free public education to secondary school students residing on Hanscom Air Force Base, Massachusetts, the Secretary shall count children in kindergarten through grade 8 who are residing on such base as if such students are receiving a free public education from such local educational agency.".

(e) SPECIAL RULE.—The Secretary of Education shall consider as timely filed, and shall process for payment, an application from a local educational agency that is eligible to receive the payments to which it is entitled in fiscal year 1990 under section 2 or 3 of the Act, if the Secretary receives the application by June 29, 1990, and the application is otherwise approvable.

(f) DEFINITION.—Section 403(6) of Public Law 81-874 is amended by inserting the following new sentences at the end thereof: "Such term does not include any agency or school authority that the Secretary determines, on a case-by-case basis—

"(A) was constituted or reconstituted primarily for the purpose of receiving assistance under this Act or increasing the amount of that assistance;

"(B) is not constituted or reconstituted for legitimate educational purposes; or

"(C) was previously part of a school district upon being constituted or reconstituted.

For the purpose of carrying out the provisions of section 3(a), such term includes any agency or school authority that has had an arrangement with a nonadjacent school district for the education of children of persons who reside or work on an installation of the Department of Defense for more than 25 years, but only if the Secretary determines that there is no single school distict adjacent to the school district in which the installation is located that is capable of educating all such children.".

SEC. . BILINGUAL EDUCATION.

Awards made by the Secretary of Education to the Franklin-Northwest Supervisory Union of Vermont under the Bilingual Education Act (20 U.S.C. 3221 et seq.), in amounts of—

(1) $388,076.56 for the period of fiscal year 1984 through fiscal year 1986 (for programs of bilingual education, however characterized),

(2) $400,061.00 for the period of fiscal year 1984 through fiscal year 1986 (for programs of bilingual education, however characterized), and

(3) any expenditure of funds by the Franklin-Northwest Supervisory Union pursuant to the awards described in paragraphs (1) and (2),

shall be treated as if they were made in accordance with the provisions of the Bilingual Education Act for purposes of any claims for repayment asserted by the Secretary of Education.

SEC. . STUDENT LITERACY CORPS.

Section 146 of the Higher Education Act of 1956 is amended to read as follows:

"SEC. 146. AUTHORIZATON OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out the provisions of this part $10,000,000 for fiscal year 1991.".

SEC. . THE HEAD START ACT AND CHAPTER 1 OF TITLE I OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.

(a) FINDINGS.—The Senate finds that—

(1) one in every five children in America, some 12,600,000 youngsters under the age of 18, live in poverty;

(2) the Head Start program and programs under chapter 1 of title I of the Elementary and Secondary Education Act of 1965 are proven early education programs that offer the best opportunity to break the cycle of poverty;

(3) since 1980, spending by the Federal Government for education has decreased by 4.7 percent in real terms;

(4) $1 invested in high-quality preschool programs like Head Start and chapter 1 of title I of the Elementary and Secondary Education Act of 1965 saves $6 in lowered costs for special education, grade retention, public assistance, and crime;

(5) children who enroll in Head Start are more likely than other poor children to be literate, employed, and enrolled in postsecondary education;

(6) children who enroll in Head Start programs are less likely than other poor children to be high school dropouts, teen parents, dependent on welfare, or arrested for criminal or delinquent activity;

(7) children who enroll in programs under chapter 1 of title I of the Elementary and Secondary Education Act of 1965 experience larger increases in standardized achievement scores than comparable students who did not enroll in such programs;

(8) low funding levels for the Head Start Act limit the participation in Head Start programs to less than 20 percent of the eligible population; and

(9) low funding levels for chapter 1 and title I of the Elementary and Secondary Education Act of 1965 limit participation in programs assisted under such Act to less than 50 percent of the eligible population.

(b) SENSE OF SENATE.—It is the sense of the Senate that appropriations for the Head Start Act should be increased to fully serve the potential, eligible population under such Act by fiscal year 1994 and that appropriations for chapter 1 of title I of the Elementary and Secondary Education Act of 1965 should be increased to the authorization level of such Act by fiscal year 1994.

Mr. PELL. Mr. President, one of the provisions of the amendment before us today makes an important technical change to the manner in which the Department of Education is authorized to handle late applications under the Impact Aid Program. Under current law, a district that misses the application deadline loses its eligibility for impact aid funds. This can cause severe hardship for districts with large numbers of federally impacted students. I am told that this year there could be as many as 141 school districts in this predicament, including the Newport School District in my own home State of Rhode Island.

Last year and again with the amendment before us today, we have had to rectify this situation by passing special legislation to extend the application deadline. This should not be necessary. Therefore, in addition to an extension for this year, the amendment before us would establish a permanent system for handling late applications.

After the filing deadline, the Department of Education would notify any district that normally receives an impact aid payment if the district's application had not been received. It is our intent that this be done within 30 days of the deadline. Districts could then submit their applications, but would receive a 10-percent penalty for late filing. Any application received after 60 days of the initial deadline would be considered ineligible for assistance.

Mr. President, I believe we can all agree that this is a very reasonable solution to a very technical problem. I thank my colleagues for their support in rectifying this situation.

Mrs. KASSEBAUM. Mr. President, I am pleased to join a number of my colleagues in cosponsoring this package of technical amendments which make much needed corrections to the Impact Aid Program.

The Impact Aid Program is very important to Kansas. In particular, Fort Leavenworth and Fort Riley are heavily dependent upon the Federal moneys that this program brings to their school districts. Fort Riley, which is located in Junction City Unified School District, has a 70 percent federally connected student population which means that last year, they received close to $4.5 million in Federal impact aid funds.

The other district which I mentioned is the Fort Leavenworth School District in Fort Leavenworth, KS. To my knowledge, there is no other school district in the country quite like Fort Leavenworth. Fort Leavenworth is a coterminous school district with a 100-percent federally connected population—99 percent of which are "A" students. There is a military college for officers located at Fort Leavenworth which offers 1-year military training, so the Fort Leavenworth schools have a 70 percent annual turnover rate in their school population.

Currently, the teacher-student ratio at Fort Leavenworth is 1:17—higher than the majority of Kansas schools. In smaller school districts throughout the State, this ratio dips as low as 1:7. Seven classes at Fort Leavenworth have 27 students each this year, and the first grade classes had 23. The educators at Fort Leavenworth are not extravagant or asking that their students receive an education that is better than the rest of the State. Rather, they are trying to make sure that the students at Fort Leavenworth are treated equally.

The figures above highlight the need that exists for impact aid funds at Fort Leavenworth, in particular, the necessity for 3(d)(2)(B) payments. Section 3(d)(2)(B) is the only section in the impact aid law that is based on need. These funds are awarded to districts which are severely impacted by Federal activities—over 50 percent of their student population are federally connected children. Section 3(d)(2)(B) payments are the first payments made under section 3 of the Impact Aid Program because these districts are considered the most needy.

Last year, officials at the Department of Education withheld $50 million from section 3 for section 3(d)(2)(B) payments. Although they expected payments to be around $10 million or $12 million, they wanted to withhold $50 million in case other districts became eligible for 3(d)(2)(B) payments. This added withholding of funds created a burden on "b" payments by reducing their pool of money by $36 to $40 million—the amount of money being overwithheld by the Department of Education. Officials at the Department of Education would not free up the $36 million without some type of legislation. To help solve this dilemma, staff at the Department of Education Impact Aid Office suggested limiting or capping the amount of money withheld for section 3(d)(2)(B) payments to $14 million. This number, $14 million, was the largest sum of final payments the Department had made for section 3(d)(2)(B) to date. At that point, Department officials indicated that future payments for section 3(d)(2)(B) would not likely exceed $14 million and were confident that a $20 million cap would never be reached.

I had serious reservations about placing a limit on the 3(d)(2)(B) section since Fort Leavenworth often qualifies for these payments, and because Fort Leavenworth is so dependent upon Federal impact aid funds for survival. A compromise was reached which raised the tax effort provision from 80 to 95 percent—preventing a large influx of new districts qualifying for section 3(d)(2)(B) payments—and added a $20 million cap on the 3(d)(2)(B) section. The $20 million figure was a $6 million cushion over the Department's $14 million estimate. Negotiators of this compromise also agreed to revisit this issue if a problem occurred where payments were projected to exceed the $20 million cap.

Unfortunately, these estimates have already proven to be inaccurate. The final cost for section 3(d)(2)(B) was re-

cently computed for 1988 and was $20.2 million—already over the $20 million cap. The estimate for 1989 is projected to be $13.5 million. The estimate for 1990 is $19.7 million which does not include a number of districts expected to qualify for these payments. When these districts are included, the cost of 3(d)(2)(B) goes as high as $27.8 million.

I appreciate the help of Senator PELL and his staff in finding a solution to this problem which is so very important to 3(d)(2)(B) districts. I am particularly happy that the commitment made by negotiators 1 year ago to revisit this issue if a problem arose was honored.

The language included today in H.R. 3910 raises the 3(d)(2)(B) cap to $25 million and creates a reserve pool of funds to help with potential shortfalls in the 3(d)(2)(B) section. This means that when payments for section 3(d)(2)(B) are less than $25 million for a given year, the money is set aside in an emergency fund for when payments for another year exceed the $25 million cap. I have been told that this combination of funding mechanisms should provide full funding for all eligible 3(d)(2)(B) districts until the 1992 reauthorization. Due to the highly variable nature of these figures, it is difficult to be absolutely positive that the funding mechanism I have described above will guarantee full payments to all eligible 3(d)(2)(B) districts. Because of this factor, the amendment includes language which removes the $25 million cap if payments for section 3(d)(2)(B) go over the $25 million reserve figure and the reserve pool does not have enough money to meet the payment obligations of section 3(d)(2)(B).

In the 1984 reauthorization of the Impact Aid Program (Public Law 98-511), language was included which prevented the Secretary from prorating payments made to local education agencies [LEA's] under section 3(d)(2)(B). Last year when the $20 million cap was placed into law, it was not intended that these payments would ever be prorated and that the language would in any way confuse or contradict the 1984 language. The language included in H.R. 3910 today insures that the language and intent of the 1984 legislation as well as the basic intent of the original legislation, Public Law 81-874, is carried out.

Mr. RUDMAN. Mr. President, I am pleased to join the distinguished chairman and ranking Republican member of the Education Subcommittee in cosponsoring an amendment to correct a problem which has arisen with impact aid payments to school districts affected by the Base Closure and Realignment Act (Public Law 100-526).

In 1974, Congress recognized that the failure to provide a gradual reduction in impact aid payments to school districts experiencing a sudden decrease in the enrollment of Federal students resulting from the closure of military bases would create havoc with the budgets of those school districts. As a result, the Education Amendments of 1974 included language to provide phase-down assistance over a period of 4 years to such school districts. This language entitled local education agencies meeting certain criteria to receive phase-down assistance equal to 90 percent of the agency's previous year's entitlement, thereby providing a gradual reduction in their impact aid assistance payments.

Mr. President, these hold harmless provisions have not been used since the last round of base closures during the mid to late 1970's. In preparing for the new round of base closures under the Base Closure and Realignment Act, I have discovered that a recent interpretation of the 1974 statute by general counsel at the Department of Education will result in a precipitous loss of payments to school districts attempting to cope with base closures.

Portsmouth, NH, will be the first community in the country to cope with the closure of a military base. According to information provided by the Department of Education and based upon this new general counsel interpretation of the statute, impact aid payments to Portsmouth would decrease from $2,361,500 in the 1989-90 school year to $318,800 in the 1990-91 school year, the first school year following the closure of Pease Air Force Base. In other words, this general counsel interpretation undermines the intent of the statute's phase-down provision.

Mr President, I have used Portsmouth as an example because it is the one school district for which there is reasonably accurate data on the number of affected students. However, while Portsmouth will be the first community in the Nation to cope with the closure of a military base, it certainly will not be the last. I believe it is critical that we do not abandon these districts who have been educating our military children for many years on the basis of what I believe to be an erroneous general counsel determination. Congress clearly intended to provide a gradual and orderly phase down of Federal assistance when it adopted this hold harmless provision in 1974 and I believe that it is critical that we maintain the commitment made at that time.

I have carefully reviewed the legislative history surrounding the enactment of the 1974 statute, and as I indicated, I do not believe that the Department of Education is correct in its interpretation. However, the willingness of my distinguished colleagues to work with me to uphold the original intent of the statute, makes the approach taken by this amendment preferable to a contentious and drawn out debate with the Department over the need to protect these affected districts. This amendment makes minor changes in section 3(e) of Public Law 81-874 to clarify that school districts coping with base closures are in fact entitled to gradual phase-down assistance over a period of 4 years.

Mr. President, the amendment authorizes appropriations necessary to carry out the phase-down provision to ensure that payments to school districts affected by base closings will not adversely affect other impacted school districts, which have not incurred a loss of students. The amendment also directs the Secretary of Education to make available to the Congress, in annual budget submissions, the amount of funds necessary to defray the costs associated with the phase-down provision. If Congress is to adequately address the needs of the affected school districts, it must have information concerning the number of affected districts and students and associated costs.

Finally, I would like to thank Senators PELL and KASSEBAUM and their staffs for their assistance and willingness to resolve this problem in an expeditious fashion.

Mr. HUMPHREY. Mr. President, I would like to voice my strong support for the pending amendment to section 3(e) of the impact aid statute.

We are all familiar with section 3 of Public Law 81-874, which provides financial assistance for local education agencies in areas where Federal activities increase the number of children a district must educate. Section 3 payments are allocated based on enrollment of two types of students: students whose parents live and work on Federal property (category A), and students whose parents live or work on Federal property (category B).

However, section 3(e), which authorizes phase-out entitlements to school districts losing a substantial number of Federally connected children due to a reduced Federal presence, is often overlooked. Specifically, section 3(e) provides eligible school districts with a 3-year phase-down of hold harmless payments to minimize the trauma of large scale Federal reductions. These payments are calculated at 90 percent of the prior year's category 3(A) and 3(B) entitlement.

The fact that section 3(e) is often overlooked is somewhat understandable considering that more than a decade has elapsed since it was last applied. However, the imminent closure of several military bases, as mandated by the Base Closure and Realignment Act, has renewed public interest and attention toward the Impact Aid Program. This scrutinty has identified a significant inequity within section 3(e) which, if uncorrected, will wreak eco-

nomic havoc on many of our Nation's communities.

The Department of Education interprets section 3(e) to direct that hold harmless payments be calculated at 90 percent of a district's prior year payment, based on a category B student classification. Since the Department has prioritized impact aid funds to primarily benefit category A group schools, category B payments are calculated at a substantially reduced percentage of entitlement. As a result, certain districts affected by a base closure, who are eligible for section 3(e) funding, will suffer a dramatic and substantial decrease in impact aid funding. This is clearly at odds with the gradual phase-down intended by the authors of the impact aid statute.

Mr. President, Pease Air Force Base, NH, is the first installation to close under the Base Closure and Realignment Act. The Federally-connected children from Pease attend Portsmouth District Schools. According to the Air Force, the vast majority of these schoolchildren will depart prior to the September 1990 census. Although Portsmouth is eligible for hold harmless payments under section 3(e), the projected payments will defray only a fraction of the educational costs associated with the base closure. In fact, the Department of Education has estimated that, under the current system, Portsmouth's impact aid allocation will fall from $2.2 million in fiscal year 1990, to approximately $300,000 in fiscal year 1991. This hardly represents a gradual phase-down.

Mr. President, the pending legislation simply amends section 3(e) of Public Law 81-874 to clarify what was obviously the intent of the original statute's authors: to ensure economic and educational stability in the wake of Federal reductions. Specifically, the amendment provides that hold harmless payments under section 3(e) shall not be less than 90 percent of the school district's prior year impact aid payments. Thus, Portsmouth, NH, and other districts affected by base closures are assured of appropriate funding during these difficult transitions.

I commend the chairman and ranking member of the Education Subcommittee for their prompt action, and I urge my colleagues to adopt this important amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1589) was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Are there further amendments? If not, the question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (H.R. 3910), as amended, was passed.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the bill, as amended, was passed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDERS FOR TOMORROW

RECESS UNTIL 11 A.M., MORNING BUSINESS; RESUMPTION OF CONSIDERATION OF S. 135

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate recesses today, it stand in recess until 11 a.m., Tuesday, May 8; that following the recognition of the two leaders under the standing order, there be a period for the transaction of morning business not to extend beyond 11:30 a.m., with Senators permitted to speak therein for up to 5 minutes each; and that at the expiration of morning business, the Senate resume consideration of the pending business, S. 135.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the vote on, or in relation to, the Roth amendment No. 1585, occur at 12 noon on Tuesday, May 8, without intervening action or debate, and that no amendments to the Roth amendment No. 1585, or the language proposed to be stricken by the Roth amendment, be in order; that upon the conclusion of the vote relative to the Roth amendment, the Senate then proceed to vote, without any intervening action or debate on or in relation to the following amendments in the order listed:

The Dole amendment No. 1586, and the Simpson-Dole amendment No. 1587; that no amendments to amendments Nos. 1586 and 1587, or the language proposed to be stricken by these amendments, be in order; that no points of order be waived; that each succeeding vote following the first rollcall vote relative to the Roth amendment No. 1585, be 10 minutes in duration; that upon the conclusion of the vote relative to Simpson-Dole amendment No. 1587, the Senate stand in recess until 2:15 p.m.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. Mr. President, reserving the right to object, I think I missed something. There will be a little time in there to talk about the amendments from 11:30 to 12?

Mr. MITCHELL. Yes.

Mr. DOLE. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the time for debate on S. 135 tomorrow prior to the noon vote be equally divided and controlled between Senators GLENN and ROTH.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 11 A.M. TOMORROW

Mr. MITCHELL. Mr. President, if the distinguished Republican leader has no further business, and if no other Senator is seeking recognition, I ask unanimous consent the Senate stand in recess under the previous order until 11 a.m. tomorrow.

There being no objection, the Senate, at 5:52 p.m. recessed until Tuesday, May 8, 1990 at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate May 7, 1990:

DEPARTMENT OF STATE

WILLIAM BODDE, JR., OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF THE MARSHALL ISLANDS.

JOSEPH EDWARD LAKE, OF TEXAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE MONGOLIAN PEOPLE'S REPUBLIC.

DEPARTMENT OF JUSTICE

GARY E. SHOVLIN, OF TEXAS, TO BE U.S. MARSHAL FOR THE MIDDLE DISTRICT OF PENNSYLVANIA FOR THE TERM OF 4 YEARS VICE MATTHEW CHABEL, JR.

DEPARTMENT OF VETERANS AFFAIRS

STEPHEN ANTHONY TRODDEN, OF VIRGINIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF VETERANS AFFAIRS (NEW POSITION).

FEDERAL EMERGENCY MANAGEMENT AGENCY

WALLACE ELMER STICKNEY, OF NEW HAMPSHIRE, TO BE DIRECTOR OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY, VICE JULIUS W. BECTON, JR., RESIGNED.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be general

GEN. LARRY D. WELCH, [redacted] U.S. AIR FORCE.

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. MICHAEL F. SPIGELMIRE, [redacted] U.S. ARMY.

EXTENSIONS OF REMARKS

CONGRESSMAN IKE SKELTON'S ADDRESS TO WORLD CHURCH CONFERENCE

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 1990

Mr. SKELTON. Mr. Speaker, on April 1, I addressed the World Church Conference at the Reorganized Church of Jesus Christ of Latter Day Saints in Independence, MO, regarding the inspirational role of religion during this time of political reform in Eastern and Central Europe. I am submitting this address for inclusion in today's CONGRESSIONAL RECORD.

CONGRESSMAN IKE SKELTON'S ADDRESS TO WORLD CHURCH CONFERENCE

In April of 1968, I recall Senator Stuart Symington, Missouri's senior Senator, spoke at this distinguished gathering. At that time, I thought that Senator Symington had received one of the highest honors of his career. Today, I have that same privilege of addressing this prestigious body, and I treasure this honor as a highlight of my public service career.

A number of years ago in my church in Lexington, MO, our young minister approached the pulpit at the point in the service designated sermon. He paused for a moment and said, "God has not spoken to me this week, thus, I have nothing to say," and sat down.

Today, I know that most of you realize that today is April 1st—April Fools' Day—and that you have a politician scheduled to address you. I assure you that I do have a message and that I will not say "April Fools" and sit down.

There's the old hymn, one of my mother's favorites, that has the refrain, "Count your many blessings, count them one by one." Were we to follow this advice, undoubtedly the top of the list would be the blessing of living in our country and being an American. God has truly smiled on our Nation, a country that enjoys certain constitutional guarantees. The first amendment to the Constitution provides freedom of religion, freedom of speech, freedom of press, the right of assembly, and the right to petition the Government for a redress of grievances. As a result, we are the bastion of freedom on this globe. And all too often we take these freedoms and liberties for granted. Would it be that these rights be granted to every living human being on this globe. But that is not the case.

There is the ancient Chinese curse, "May you live in interesting times." Well, whether it be a curse or not, we do live in interesting times. Rather, as I prefer, times of challenges and opportunities.

During my lifetime the world has witnessed war, destruction, and oppression, much of which is too horrible to describe. But the world is changing—at least parts of it.

On November 11, 1989, the 71st anniversary for the ending of the First World War, a portion of the Berlin Wall dividing East and West Germany was torn down by Germans on each side of the wall. Since then, the Communist governments of each of the Eastern European states have been toppled. East Germany, Hungary, Poland, Romania, Czechoslovakia, and Bulgaria are now led by transitional and newly elected noncommunist governments. Even within the Soviet Union, there are massive movements to social and economic reform underway. One of the Soviet States, Lithuania, has just declared its independence.

Thus, we can agree that we do live in interesting times—times of rapid change—times of reform—and times of uncertainty. Alexis de Tocqueville said, "The most dangerous time in history is when a government is trying to reform itself." De Tocqueville's warning is applicable to these present days because the people in these countries who are breaking off their shackles of the past will have high expectations—expectations for freedom—and expectations for economic opportunity. Most of these countries do not understand the concept of freedom. For instance, in Bulgaria, freedom means to most ethnic Bulgarians that they have the right to throw out the Bulgarians of Turkish descent. Concerning economics, there is little understanding of entrepreneurship and the work ethic has been suppressed by a generation of repression.

In a word, we have won the cold war. The containment of communism doctrine, orginally established by Independence's own President Harry Truman, has succeeded. The walls of tyranny are crumbling. But unfulfilled high expectations hang like the sword of Damocles over the heads of Europe and the free world.

A few weeks ago, I heard someone say in a sermon, "It is not the love of power, it is the power of love" that gives men and women the motivation to aspire and to build a better world, closer to the ideals of the Kingdom of God, a world from which fear, oppression, and cruelty will be banished.

History repeats this message in various forms over and over again. On a plaque on the stairwell of the pedestal of the Statute of Liberty, the timeless words of Abraham Lincoln are penned,

"Our reliance is in the love of liberty which God has planted in our bosoms. Our Defense is in the preservation of the spirit which prizes liberty as the heritage of all men, in all lands, every where. Destroy this spirit, and you have planted the seeds of despotism around your own doors."

If the newly emerging democracies are to succeed—to realize their expectations, they must find this power of love and this spirit of liberty. If they are to do so, they must first achieve true religious freedom.

In the U.S., religious freedom is guaranteed by law to all. We have the right to teach religion to adults and children; to publish religious materials; charity work is encouraged; and we do not have so-called "recognized" or "unrecognized" religions. Religious faith surrounds us. It expresses our values. Our children are raised with it. Religion is a part of everyday life.

Let's glance quickly at the situation in the countries of Eastern Europe as they move toward religious freedom.

The role of religion in Eastern Europe is in a State of flux, marked by unprecedented concessions on the part of the State, what many regard as an irreversible movement toward religious freedom. At the heart of the religious movement, much work is being done on legislation that limits or denies the rights of religious organizations and of believers.

In Hungary, religious affairs have been strictly regulated by the Hungarian Communist Party since the late 1940s. Until recently, some Hungarians have been confined as "prisoners of conscience." Now this is ending. New legislation is being framed which would give religious bodies legal status, establish the right to pubish journals and periodicals, provide equal taxation for all citizens, and guarantee the right to teach religion.

In Poland, the Roman Catholic Church, representing 95 percent of the Polish population, has been the front-line force in the changes that have taken place in Poland for the past ten years. The Communist government has never been able to harness the Catholic Church but this past spring, the government recognized the Roman Catholic Church, reinstating rights lost by the church after the Communist takeover. Now, as the mediator between the people and government authorities, the church may publish newspapers, it may operate schools, hospitals, and communications networks—all without interference from the state. Laws assuring freedom of worship have been formed.

For almost half a century, evangelical charity, and missionary work has been prohibited in Czechoslovakia. Now, these religious rights are permissible, and restrictions on literature are slowly loosening.

In Romania, largely Romanian Orthodox with a growing congregation of Baptists and Pentecostals, Lutheran Minister Lazslo Tokes was a key leader in the overthrow of the brutal Communist leader Nicole Ceausescu in December.

A couple of months ago, a colleague of mine, Chet Atkins, was in Romania travelling with a delegation from the Unitarian Church to visit church leaders and leaders of the new government. Only three weeks before his visit, the people had been forbidden to speak with a foreigner or discuss the government in church. Congressman Atkins preached in reformed and unitarian parishes that were overflowing with hundreds of people. He said the experience was highly emotional and moving. He saw memorials in the streets, wreaths, candles, flowers * * * all testimony of the presence of religion and the power of God. And in the faces of the people, he saw something more than the absence of oppression, he saw an entirely new spirit of religion developing, a spiritual awakening in the springtime of religious liberties.

And in East Germany, this past Christmas was the first time since the Communist takeover that Christmas bells are sounded in Berlin. The people of Berlin attended

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joint services for the first time since the Wall went up in 1961. Like the bells of liberty we hear every day and the bells of church services which ring across our Nation each Sunday, the sound of church bells ringing through East Germany ushered in hope—and freedom.

In the Soviet Union, for the first time in 70 years, Bibles are being imported. And where the word of God is freely read and listened to, freedom cannot be extinguished.

Let me mention two thoughts that come to mind when I consider the momentous changes that are going on in our world.

During these last few months, we have had three powerful leaders come to the Congress and speak. These three men came representing the emerging freedoms about which I have already spoken.

Lech Walesa came to the Capitol of the United States in November and addressed a joint session of the Congress. As he entered the Chamber of the House of Representatives, there was applause, applause like I have not heard since I came to Congress. The people in the balconies stood and clapped their hands in joyful approval—Members of the House and Senate, Republicans and Democrats, liberals and conservatives, men and women from every one of the fifty States, the President of the United States and members of the President's Cabinet, the Joint Chiefs of Staff, the Diplomatic Corps—everyone standing and cheering, resounding applause, for this humble electrician from Gdansk as he stood ready to give his speech.

Lech Walesa had said before his speech that he was not a professional politician—that he was just an electrician, and if the lights were to go off in the building, he could fix them! And then he proceeded to give words of achievement and hope.

In February, the President of Czechoslovakia, Vaclav Havel, came to address another joint meeting. Again, the thunderous applause, the shouts of approval. He said in his speech that he had not gone to school for Presidents—he had been to prison, under arrest, and now he spoke before the Nation with the oldest Constitution, and he spoke of freedom and of hope.

And just recently, on the 15th of March, the Reverend Lazslo Tokes, gave the opening prayer at the session of the House of Representatives. This humble minister, only 37 years old, prayed * * * "We long after love and peace—please change our minds and feelings, make us capable to 'not love in word or speech, but in deed and in truth.'"

All these new leaders—one an electrician, another a playwright, and another a minister—are now called by free people to lead them into the world of hope.

The first point I would make is that each of these men came from the ranks of the people. They represented change from the people up to the Government. They are the symbols of the desires of the people to reclaim what God had originally given to them, the right to believe and practice their faith, to worship their God as they choose. The people called out, they stood with their bodies on the line, they had sacrificed and were ready to stand up to the dictators, now they were free.

Three seemingly ordinary men armed only with the tools of their trades—one an electrician who was trained to weld steel together, one a playwright armed with only his pen, and the third a minister, armed with his faith.

But they had dedicated their lives to something greater than their trades or their professions—they were dedicated to being the people that God would have them be. And God blessed them as they guided the people out of darkness into light.

My second point is simple. How is it that these brave men and their people are bound together one with another, and how are we in solidarity with them?

It is through prayer. We may support them in other ways, but it is through prayer we become one people under God. Prayer is the only instrument that crosses all boundaries without limitation or restraint, without language or tradition, without common cultures or experiences. Prayer unites, prayer sustains, prayer makes us one people, prayer gives hope, prayer brings us into a power much greater than ourselves. Prayer transcends all our personal limitations, forgives our shortcomings, encourages us to be as God would have us be.

There will be initiatives coming from the Congress as to ways we can better help these people, but I would share with you today something of power that each one of you already knows—the power and reality of prayer.

As I stand here in front of this assembly of people of prayer, I ask you to join with me in remembering these leaders and their nations with fervent hope that God will continue to bless them in the days ahead. Reverend Lazslo Tokes used in his prayer before the House of Representatives—"Bless our lives. Bless our faith and deeds. Bless our countries and people. Give us freedom and Peace."

Alfred Lord Tennyson wrote this great truth: "More things are wrought by prayer than this world dreams of."

God bless you.

REFORMING THE EXPORT ADMINISTRATION ACT

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 1990

Mr. BEREUTER. Mr. Speaker, last week the Foreign Affairs Committee completed consideration of H.R. 4653, to reauthorize the Export Administration Act of 1979.

The international marketplace has become very competitive, and the survival of many U.S. firms is dependent on their ability to compete in global markets. International competition is daunting and the deficit in our balance of trade continues to be a major concern.

In spite of these important challenges and difficulties, inappropriate elements and procedures related to our own export controls continue to give our competitors additional advantages and inhibit the ability of our own firms to export. These problems with the implementation of our controls also impair the ability of U.S. companies to gain economies of scale necessary for them to survive in a competitive international marketplace. This unfortunate scenario not only reduces employment opportunities in the short run, but has also contributed to our declining preeminence in many high technology industries.

We must streamline this process and remove the barriers which place our critical export industries in a disadvantageous position relative to our international competitors. Petty bureaucratic infighting and blatant disregard of congressional directives by various parts of the executive branch charged with managing our export controls have in the past done incredible damage to high technology and defense industries of the United States.

Mr. Speaker, the following article appeared in the April 20, 1990, Journal of Commerce. It was written by Carole Grundberg, a highly capable and respected former staff director of the International Economic Policy and Trade Subcommittee of the House Foreign Affairs Committee. In this editorial, Ms. Grundberg explains well some of the problems faced by our exporters as a result of an export licensing system. This Member asks the executive branch to recognize these and other current difficulties, and work with the members of the House Foreign Affairs Committee and the Congress to fix the system. While we must limit the flow of critical technologies to potential adversaries, we cannot continue to destroy our high technology and defense industries by pointlessly frustrating the efforts of exporters and thereby assisting their competitors.

[From the Journal of Commerce, Apr. 20, 1990]

MAKE COCOM FACE THE FUTURE

(By Carole A. Grunberg)

American high-tech exporters are about to take on anti-Soviet hard-liners once again in the struggle over the future of export controls.

The battlefield is Capitol Hill, where Congress is considering the renewal of the Export Administration Act, which expires in September. This law is the president's primary authority to regulate exports to protect national security, foreign policy and other interests.

High-tech companies and their congressional advocates already have fired opening salvos in a series of bills that would radically restructure U.S. and multilateral export control regimes. Paralyzed by differences among various agencies, the Bush administration has responded by proposing a simple one-year extension of current law.

Export controls affect at least half of the more than $365 billion annual sales by U.S. aerospace, business equipment, computer, machine tool and telecommunications companies.

The National Academy of Sciences conservatively estimated in 1987 that the annual direct cost of export controls to American businesses ran upwards of $9 billion. Indirect costs in terms of lost opportunities range far higher, and are in part responsible for the 30% decline in the U.S. share of the world electronics market since 1985.

Simply put, there are too many older products on the control list, and the United States unilaterally restricts exports of thousands of goods that are in wide circulation throughout the world.

Although product life cycles in high-tech industries typically average 24 months, thousands of items first produced in the 1970s remain subject to controls. The control list, which contains the items whose export is regulated by the 17-nation Coordinating Committee on Multilateral Export Controls, or Cocom, incudes many technological dinosaurs. For example:

In March, the administration proudly announced that it was proposing to lift controls on certain machine tools only to dis-

cover that U.S. companies no longer manufacture those older models.

The administration retained controls for years on low-level digital Microvax II computers destined for Eastern Europe despite the fact that Hungary, East Germany and Czechoslovakia all had counterfeit models.

Since the development of the first Winchester disk drive in the 1970s, the storage capacity has jumped from 6 megabytes to 1 gigabyte. Millions of drives are produced around the world every year, yet Cocom still controls the older generation 45 megabyte Winchester.

Every Cocom country uses the Cocom list to regulate exports to Eastern Europe, the Soviet Union and China. However, the United States is alone in extending the list to cover exports to non-communist nations. According to the Commerce Department, 35% of U.S. export license applications are for shipments to our Cocom partners that include Japan, Australia and most West European nations. Less than 15% are for shipments to China, Eastern Europe and the Soviet Union.

Moreover, the U.S. licensing process is notoriously slow compared to those of our competitors. U.S. manufacturers typically must wait 120 days for a license that would be approved in four days in Japan and in two weeks in Europe. An Oregon-based high-tech company recently testified that it spent 18 months designing and developing its product, but needed 19 months to obtain an export license!

Changes in the global strategic and economic balance make bold reforms not only desirable but imperative. The cold warriors who persist in defending a system that has changed little since its birth in 1949 are out of touch with reality.

More Americans now perceive Soviet military prowess as a lesser threat than Japan's economic might. Democracy is replacing communism as the political currency of Eastern Europe. As East and West Germany move to reunite, export controls have been abandoned on goods flowing cross Berlin's former checkpoints, and Bonn has informed its allies that Cocom export restrictions will not apply once Germany is reunited.

For starters, Congress should immediately codify a license-free zone for shipments to Cocom member nations, and then move to lift restrictions on all shipments that are not Cocom-controlled to Free World destinations. This would eliminate approximately 85% of the licensing burden on U.S. exporters.

Consistent with the relatively short product life of state-of-the-art technology, the United States should propose dropping from the Cocom list all items that have been on it for more than three years unless all members agree to keep controls in place. For the items then remaining on the list, exports to Eastern Europe and to non-military end users in the Soviet Union should be approved routinely.

Cocom's decisions affect the plans of thousands of companies and the livelihoods of their employees, but the executive branch keeps a shroud of secrecy around the group. Like the Great Oz, Cocom hides behind a curtain, dictating rules and intimidating exporters. It is time to pull back the curtain. The United States should take the initiative to publish the Cocom list and all Cocom decisions.

A tall order? Hardly. The House of Representatives approved some of these proposals in previous years, and all are under serious consideration in the respective congressional committees. The rising tide of reform in Eastern Europe will carry the fortunes of America's exporters only so far. It is incumbent upon Congress to bring the export control regime into the 21st century.

CONGRATULATIONS TO NEW JERSEY WAVE SWIM TEAM

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 1990

Mr. TORRICELLI. Mr. Speaker, it is with great respect and admiration that I address my colleagues in the House today, for I rise to extend my heartiest congratulations and warmest best wishes to the members of the New Jersey Wave Swim Team.

The New Jersey Wave Swim Team was established in 1974 and is a club consisting of young men and women between the ages of 10 and under through high school. It is a comprehensive program dedicated to excellence not only in swimming, but also in discipline, good health, and dedication to the ideals of the American way of life. The team is broken down into instructional novice, advanced novice, age group, junior group, senior silver, senior prep, senior gold, and the national team.

During the 1989-90 season, the New Jersey Wave Swim Club was ranked seventh in the Nation. They won the New Jersey State Junior Olympics and numerous other State and National meets. The team was first in the national regional meet, the Northern New Jersey Invitational, the Trenton Holiday Classic, and the Connecticut/American AA Swim Meet.

Mr. Speaker I am proud to join in paying tribute to this exceptional group and extend my best wishes to them.

TRIBUTE TO EVELYN SCHENGRUND

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 1990

Mr. LEHMAN of Florida. Mr. Speaker, North Dade County, home of the 17th Congressional District, is fortunate to have one of the most informed and active citizenries in the country. Among the very best is a woman who combines the qualities of boundless hard work and noble idealism—my good friend, Evelyn Schengrund.

Especially in Northeast Dade, Evelyn has long been a determined force for the good of the community. A woman of quiet dignity and infectious enthusiasm, she is a strong believer in and practitioner of the politics of inclusion. Evelyn works hard to get as many people as possible involved in the governmental process. A firm believer that policy improves with greater citizen participation, Evelyn sets high standards for herself and never shirks doing whatever is necessary to make our democratic government function as well as possible.

Mr. Speaker, I would like to share with my colleagues an article on Evelyn Schengrund that appeared in the Spring edition of Aventura magazine:

EVELYN SCHENGRUND

(By Carol Romano)

"My job is not to be popular, my job is to get things done for the party." But Democratic Party Executive Committeewoman Evelyn Schengrund has ample proof that within Democratic circles she could win a popularity contest hands down.

A tiny woman whose smartly tailored shoulders bear the responsibility for getting folks fired up enough to get out and vote in 5 districts, Schengrund's appearance belies her strength. Beyond that soft-spoken lady facade resides a fiercely loyal, determined and politically savvy woman who brings years of business acumen and the passion of a concerned—yes, she allows the use of the "L" word—liberal, to the service of Dade's Democratic machine.

Schengrund's political life began in earnest when she retired from her third career. A retail business had led her into real estate ventures which, in turn propelled her into the role of developer. Retiring in 1976 from her position as president of Princeton Colonial Park in Princeton, New Jersey, she decided to move closer to her sister and begin a new life in Dade County. Dade County has never been the same!

"My Jewish immigrant parents imbued me from early childhood with a love for America that remains with me today. A respect for business success was a part of their ethic as well as an understanding of the power of politics. The political arena is, in my opinion, where America is at its best." Contending that political activism is the key to a strong, healthy democracy, Schengrund has little patience with apathy. "One must defend oneself against any denigration of enthusiasm" she insists. "I won't allow apathy to exist around me. I infect with my enthusiasm and that's how I get people involved in all sorts of movements."

Sometimes the causes for which she fights are minor ones, a conveniently placed bus stop or postal box, the cleanup and beautification of an abandoned lot near the entrance to her condominium, but just as often her issues are vital ones. Schengrund co-chaired a coalition sponsoring corporate child care centers in the workplace and lobbied strongly on the pro-choice question. She organized Seniors For Choice in the Aventura community. Without exposing these more fragile activists to the rigors of long, hot hours on the streets of the Capitol, Schengrund's flair for statement gave them a chance to publicly state their views in a packed meeting held in the auditorium of their high-rise. The turnout, a mini rally with hundreds of senior men and women, received broad media coverage.

"Organization is my forte," she says. "I feel that this community has great representation—all Democratic of course," (a touchingly girlish giggle accompanies that remark) "and I want to keep it that way. People want to keep Aventura the gem that it is. They are proud to be part of the growth here and they know that good political connections are of great value. As their political activist I am always available to the people of this community. They can come to me with any problem."

Indeed, interest in politics and government is high here. There is an outstanding turnout for elections, as high as 70% in gen-

eral elections; impressive numbers which far exceed the national average. That doesn't mean that party workers like Schengrund rest on their statistics. "I wake up and start my day by reading the paper from cover to cover. By 9 a.m. I'm on the phone, arranging, programming, scheduling meetings between candidates and constituents, fulfilling my duties as committeewoman. Every day I lunch with constituents to keep in touch with their concerns. I'm a widow, I'm free and I'm used to doing things my way. That's how my life revolves now and I wouldn't have it otherwise."

1990 is shaping up as an exciting time for Schengrund. Catastrophic health care, the fight to lower insurance rates, continuing the struggle for quality child care, all are on her agenda; but most important of all is to play her part in seating a Democrat in the Governor's mansion.

TRIBUTE TO BONNER UPSHAW

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 1990

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to an outstanding individual, Mr. Bonner Upshaw. Mr. Upshaw is being honored by the Bonner Upshaw Testimonial Committee for his hard work as a Mount Clemens police officer.

Mr. Upshaw was born in Mount Clemens, MI, where he attended public schools until he graduated from Mount Clemens High School in 1951. After a year at the University of Michigan, Bonner enlisted into the U.S. Navy in 1952. Beginning in 1958, after serving 4 years in the U.S. Navy, Bonner played semiprofessional football with the South Macomb Arrows for 3 years. In 1960, Bonner became the first African-American police officer in the history of Mount Clemens.

Mr. Upshaw served on the police force for 25 years, during which he was a detective for 9 years. He retired in 1985, after a distinguished career in law enforcement.

Mr. Upshaw opened doors for others to follow. It is my privilege to honor such a leader in our community. I wish Mr. Upshaw the best. He will long be remembered as a true friend to the city of Mount Clemens.

ATLANTA FAA ARTCC FACILITY RECOGNIZED

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 1990

Mr. GINGRICH. Mr. Speaker, the Sixth District of Georgia is proud to be the home of the Atlanta air route traffic control center [ARTCC] located in Hampton. This year we are particularly honored because the Federal Aviation Administration [FAA] has recently chosen the airways facilities sector at the Atlanta ARTCC for its 1989 Airway Facilities Sector of the Year award.

An ARTCC is a center which controls all air traffic beyond 50 miles of an airport. A sector is that department within an air traffic control center responsible for maintaining the computerized radar and communication equipment used for air traffic control. The prestigious designation of 1989 ARTCC Sector of the Year comes from the FAA as a result of Hampton's successful competition with America's other 20 regional ARTCC's.

Every year the FAA reviews nomination packages submitted by participating ARTCC's. After screening the applications, the ARTCC's are rated by a scoring process. The score sheet takes into consideration three areas. "General Programs," such as cost efficient measures taken and emergency conditions dealt with or avoided, count 13 percent toward the overall score. "Human resource management programs," including personnel development practices and opportunities for personnel to express their ideas, opinions, and concerns about the work environment and sector operations, count 37 percent. And, the most heavily weighted, "facility performance," a quantitative measure of how often and how long the computerized radar at an airways facility is down—out of operation—counts 50 percent toward the overall score.

When the results were in, the sector maintenance employees at the Atlanta air route traffic control center were ranked first in the Nation because of their outstanding performance during 1989. I am sure I speak for all sixth district residents when I offer my congratulations and praise to Mr. Gene Nobles, sector manager of the Atlanta ARTCC, and the entire team of sector maintenance employees at the Atlanta ARTCC for their commitment to excellence.

In a very real way, these professionals hold the flying public's safety in their hands. They keep our air traffic computers up and running, and the Atlanta sector ARTCC employees are rated top in the nation for doing so. That is something Georgia can be very proud of. The reward for the Hampton team, however, is not only this official recognition by the FAA, but also the thanks of countless air passengers who have traveled safely due to the outstanding sector service provided in Hampton, GA.

I urge my colleagues to join me and my constituents in commending the sector maintenance employees at the Atlanta air traffic control center for the fine work they are doing. On June 26, 1990, there will be a ceremony in Hampton for the sector team. At that time representatives from the FAA will present a plaque in honor of the group's achievement. But our thanks and congratulations go out today, to every one of the sector employees at Hampton for a job well done and a job done well every day.

TWENTIETH ANNIVERSARY OF VOCA

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 1990

Mr. BEREUTER. Mr. Speaker, today, this Member would like to congratulate Volunteers in Overseas Cooperative Assistance, known as VOCA, for 20 years of service to farmers and cooperatives around the world. Almost 200 volunteers will be gathering in Washington from all over the country this week to celebrate and share their experience as volunteers in helping others help themselves.

VOCA sends experienced senior cooperative executives and agricultural experts overseas to provide short-term technical assistance to cooperatives, private sector agricultural enterprises and government agencies in developing countries.

Since its founding in 1970, VOCA has completed more than 800 projects in some 87 developing nations, and has passed on appropriate U.S. technology and American technical know-how to tens of thousands of farmers and cooperators. Working side-by-side with their local counterparts, VOCA volunteers help improve crop production, processing, storage, marketing, agribusiness development as well as strengthen cooperative operations and management.

All of VOCA's work is done at the request of the organizations in developing countries which insures that the projects are needed and demonstrates a willingness to implement the recommendations.

For VOCA volunteers, often a husband and wife team, their out-of-pocket, air fare and housing expenses are covered; the local organization provides in-country administrative support. This makes VOCA one of the most cost-effective technical assistance organizations of our U.S. foreign assistance program.

Under the SEED legislation, VOCA is implementing a Farmer-to-Farmer Program in Poland which is revitalizing farmer cooperatives and developing private agribusiness. Two teams of U.S. volunteers have already provided critical advice on the management and business operations as Polish farmers reclaim their former state-controlled cooperatives. More than 100 U.S. farmers and agriculturalists will be providing hands-on expertise as the Polish economy shifts to a free market economy.

Of particular satisfaction to this Member is the role of VOCA in addressing international food and hunger needs through implementing the Farmer-to-Farmer Program which I authored in the 1985 farm bill. VOCA provides a valuable people-to-people link in finding practical solutions to world hunger. Because of this outstanding work, President Bush awarded VOCA a Presidential End Hunger Award in 1989.

As we consider the 1990 farm bill, I hope my colleagues will join with me in reauthorizing the Farmer-to-Farmer Program for another 5 years.

Finally, let me say to those VOCA personnel and supporters assembled in Washington that those of us in Congress who know of your great work appreciate what you have done to make the world a better place. We congratulate you. To VOCA and its small staff, I personally wish you well as you begin another decade of excellent service to mankind. You are truly carrying our best commodity to those abroad: American generosity, personal commitment, technical know-how, and a can-do spirit.

COMDR. RUSSELL HARRIS' ADDRESS TO THE MISSOURI STATE SENATE

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 1990

Mr. SKELTON. Mr. Speaker, recently the Captain of the submarine U.S.S. *Jefferson City,* Comdr. Russell Harris, visited Missouri's capital city. While there, he addressed the Missouri State Senate and the Missouri House of Representatives. Senator James Mathewson, president pro tem of the Senate, was kind enough to invite me to introduce Commander Harris to the body in which I formerly served. Commander Harris' address to the Missouri State Senate is set forth herein:

Senator Mathewson, members of the Missouri State Senate, ladies and gentlemen: Thank you for the invitation to speak this morning to discuss the birth of the submarine *Jefferson City.* As I talk about the submarine *Jefferson City* and her people, be tolerant when I speak of my ship and my crew. I have spent my adult life pursuing submarine command. Consequently, you will find no one more proud or more possessive of *Jefferson City* and her people than I.

The crew of *Jefferson City* will ultimately consist of 13 officers and 120 enlisted men.

Approximately half of them are currently abroad. The remainder will report aboard during the course of the next 10 months as we prepare to make our first venture to sea.

Those currently aboard consist primarily of nuclear propulsion plant operators. They will operate propulsion plant systems throughout an arduous and demanding period of testing, aligning, and proofing.

I wish you could meet these men. You will not find a more dedicated, hard working bunch anywhere. They range in age from 20 to 47. The average age is 27 and they come from 24 different states including 4 from the State of Missouri.

The sacrifices they and their families have made and will make have no equivalence outside the nuclear submarine navy. They are true heroes of the cold war and keepers of the peace.

I am sure if you knew them as I do you would be as proud of them as I am. They will do justice to the ship which bears the heritage of hard working, honest folks such as those of her namesake city and state.

Jefferson City will be:

362 feet long;

33 feet in diameter;

And displace 6,000 tons.

She will travel at speeds in excess of 20 knots and dive to depths greater than 400 feet.

She will be equipped with the latest in submarine weaponry, including:

Advanced combat control and acoustic systems;

Heavyweight torpedoes;

Harpoon antiship missiles; and

Tomahawk cruise missiles.

She will have engineering enhancements which will allow her to operate quieter, more reliably, and with improved survivability.

She will be capable of surfacing through the Arctic ice canopy. Most important of all she will be able to operate with unrivaled stealth in any ocean anywhere in the world.

In time of war she will seek out and destroy enemy submarines and surface ships. She will strike targets ashore with her land attack variants of the Tomahawk cruise missile. She will operate unescorted and unsupported. She will carry the battle to the enemy and fight in his own waters at his own doorstep.

In time of peace or limited conflict she will prowl the depths at will in any ocean with complete impunity, her presence unknown to our adversaries. She will be ready to surveil and strike with surprise and awesome strength if so directed in our national interest.

I hope it is clear to all of you that the submarine *Jefferson City* will be a class all her own:

A true pillar for America's security;

A ship truly worthy to be named for the city of Jefferson.

On the eve of *Jefferson City*'s christening a newspaper reporter asked me: "Why build this ship now that peace is breaking out all over?"

It is not my role to address the controversies surrounding the military budget. Those are decisions for our national leaders. I hope they make wise decisions for us all.

I will however say this—peace did not start breaking out by accident or as a result of paper and good intentions. It was born from American strength, American conviction, and American political acumen.

I found the following words by the author Alexander Kent in a sea novel about the early days of the American Navy. I find them particularly relevant to the construction of the submarine *Jefferson City.* It reads:

"When Thomas Jefferson suggests a thing you don't argue too much * * * power is heady medicine."

My answer to the reporter's question was simple—The *Jefferson* must be built to ensure peace keeps breaking out all over.

Those who share feelings of romance. awe, and adventure toward ships and the sea know that a ship is more than steel and wire. A ship has a life and a spirit of her own. The nature of that spirit comes from the men who sail her.

Mrs. Skelton gave the *Jefferson City* life.

My men have given her a spirit which you can all relish.

Like it or not, I, the men of *Jefferson City,* and our families are now Missourians regardless of our backgrounds. Therefore, I ask you to ponder these words of John Owen:

God and the sailor we alike adore
But only when in danger, not before:
The danger o' er, both are alike requited,
God is forgotten and the sailor slighted.

Please do not forget us when we dive into the silent sea. We are now part of your history forever.

Fair winds and following seas to you all.

NATIONAL ODYSSEY OF THE MIND

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 1990

Mr. TORRICELLI. Mr. Speaker, it is with great respect and admiration that I address my colleagues in the House today, for I rise to extend my heartiest congratulations and warmest best wishes to the students of Fairmount School for becoming the New Jersey State champions in the National Odyssey of the Mind Tournament. Fairmount School students from grades K–5 won first place in each of the three problems they competed in on Saturday, April 28, 1990.

The Odyssey of the Mind Program is a creative problem solving competition. The first tournament took place in 1978, under the auspices of the New Jersey State Department of Education and has since spread to nearly all 50 States, Canada, China, Mexico, and recently, the Soviet Union. Internationally, over 350,000 students participate in the Odyssey of the Mind Program.

Hackensack students won in three areas, omitronic humor, classics—the seven wonders of the world, and recycle. The omitronic humor team was required to develop and perform a comedy routine or a skit about a comedy routine. In addition the team had to design, build, and operate an original animated character that showed specific reactions and emotions. This omitronic character had to smile, shed tears, look surprised, look bored, and show two reactions or emotions of the team's choosing. The second team won in the area of classics—the seven wonders of the world. This problem required the students to create and present a performance based on the seven wonders of the ancient world. The third winning team was required to develop a nonverbal communication system to guide blindfolded team members through a course laden with trash and obstacles. One team member was the dispatcher. Three blindfolded members had to pick up trash and take it to one of three transfer stations. The other blindfolded team member, had to collect the trash from the transfer stations and take it to the recycling center. The team had to place one container of hazardous waste in the hazardous wastesite.

The three Hackensack teams will now be part of a 13-contingency team representing the State of New Jersey at the Odyssey of the Mind World Finals to be held at Iowa State University from May 20 to June 3.

Mr. Speaker I am proud to join in paying tribute to this exceptional group and extend my best wishes to them in the upcoming Odyssey of the Mind World Finals.

ASSASSINATION OF COLOMBIAN PRESIDENTIAL CANDIDATE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 1990

Mr. RANGEL. Mr. Speaker, Colombia last week was horrified by the assassination of Presidential candidate Carlos Pizarro Leon Gomez. He was brutally gunned down with an automatic pistol on a crowded commercial aircraft while on the campaign trail. The "Extraditables", the major Colombian drug traffickers wanted for trial in the United States, quickly took credit for the assassination. Mr. Pizarro was the third presidential candidate to be assassinated by the drug traffickers during this election campaign.

My heart goes out to the family, friends and supporters of Mr. Pizarro, as they mourn the

loss of a friend and leader. I also share the outrage that the Colombian people must feel at such heinous attacks on their democracy and freedom.

It is almost impossible for us to imagine the daily horrors and tragic sacrifices of our Colombian friends, who remain bravely steadfast in their commitment to fight the drug traffickers. We must admire the tremendous courage displayed by so many Colombian men and women, and we must do our best to support their efforts.

Colombian President Barco has been most appreciative of the moral support as well as resources the United States has provided to Colombia. However, he has made clear to us the types of long-term assistance that Colombia needs from the world community in order to attain victory over the drug cartels:

Stopping the flow into the Andes of essential chemicals used for the manufacture of cocaine;

Stopping the flow into the Andes of weapons, such as the automatic pistol used against candidate Pizarro;

Depriving drug traffickers of their profits, by conducting financial investigations and cracking down on money laundering; and

Reducing the demand for drugs.

Mr. Speaker, we must continue our support of our friends in Colombia, especially during this difficult time, and we must do more to work with the international community to achieve the long-term goals as outlined by President Barco. These goals will benefit the entire community of nations, and failing to achieve them will be a tragedy for us all.

THE 63D APPLE BLOSSOM FESTIVAL

HON. D. FRENCH SLAUGHTER, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 1990

Mr. SLAUGHTER of Virginia. Mr. Speaker, this past weekend Winchester, VA, celebrated the 63d Apple Blossom Festival. The festival was a wonderful success. For those of you who were not able to be there for the festivities, I would like to submit the following remarks for the benefit of all Members and readers of the RECORD. They were given by Sallie Forman, vice president for government relations of the National Broadcasting Company [NBC].

SHENANDOAH APPLE BLOSSOM FESTIVAL

I'm flattered and delighted by this invitation. There can't be a lovelier setting for making a speech than here among the apple trees in the Shenandoah Valley.

As a representative of network television, I was a little surprised to be asked to address an apple blossom festival. We in the networks love apples as much as anybody, but sometimes in carrying out our journalistic duties we have to report on the occasional worm.

I know that a lot of people would prefer that TV news focus more on other aspects of the apple, like how shiny and red it is. But that might be because it had been sprayed with alar, and we'd have to report that too. There's no way conscientious journalism can avoid getting into controversy and making some folks mad.

The alar controversy is an example of how, even with the best intentions, people step on toes. It's an occupational hazard that both the media and people in government have in common. President Bush, for example, has an extremely low popularity rating on the broccoli farms of this Nation.

Government and the media find themselves in the role of adversaries a lot of the time. And that is as it should be in a democracy. But in a way, we're both in the same boat.

We're both dealing with a society full of change, conflict, and contradictions. The U.S.A. is always on the move, and always transforming itself, and the national media have to try to keep up with it. We in the networks are caught in the never-ending task of trying to figure out our pluralistic society, so that we can meet its ever-new requirements in information and entertainment.

This year NBC is celebrating 50 years as a television network, and the story of the half-century is really the story of a long and bumpy love affair with the public. We've wooed the American people in a hundred ways, and in a hundred costumes.

When NBC-TV and the other networks started out in the late forties with a regular schedule of programs, we tried TV versions of hit radio shows like "The Goldbergs". We literally took the radio script and had actors read it on camera. But it soon became apparent that what drew people to this newfangled video gadget was something to look at, not to listen to.

And what caught their attention was pretty silly stuff: Milton Berle all gussied up in an evening gown—or wearing only a barrel and suspenders. That buck-toothed comic on "The Texaco Star Theater", using vaudeville sight gags, skyrocketed the sales of TV sets and helped establish television as the prime national pastime. (By the way Uncle Miltie's technique still can be seen on NBC—if you've ever caught Willard Scott dressed as Carmen Miranda).

The Texaco Theater ultimately ran out of gas, and in the fifties NBC devised a host of other formats: The tiny puppet theater of "Kukla, Fran and Ollie", the huge sound stage of the "the Kraft Television Theater", and the two-hour extravaganza of "Your Show of Shows". It was one of the most fertile periods of TV history. Two of our experiments turned out to be particularly durable: The early-morning information show, "Today", and the late-night and entertainment show, "Tonight".

Then came a phase when the public developed a huge craving for TV westerns—in one season there were as many as 30 horse operas on the air; NBC came with one of the best and longest-running: "Bonanza", on the tube for 14 years.

The westerns have ridden off into the sunset. But there is one area of programming where the public's interest has never been in doubt: sports. We've been reminded of that throughout the decades.

In 1947 NBC telecast the world series for the first time and drew the first real mass audience in TV history, nearly four million people—most of then sitting in bars. Another indicator was the famous time in 1968 when NBC cut from the last crucial minutes of a New York Jets/Oakland Raiders football game to show a movie "Heidi". Well maybe we didn't disappoint the children's audience, but our switchboard was swamped with protests as never before or since. And there's one sure reminder of the huge popularity of TV sports; whenever there's a commercial break in the Super Bowl, water pressure goes down in cities all across the land.

Television and society went through a sea of change in the late sixties and early seventies. That was when the rending issues of Vietnam and civil rights bred so much doubt and division in the Nation. Our programming reflected that, and by reflecting it we sometimes drew the change that television itself was to blame for the dissension. There was a temptation to blame the messenger for the message. That was understandable. America in those years was steering an unfamiliar course, and television news was the window on a stormy present and uncertain future. People sat in their living rooms in front of their TV sets and saw history happening suddenly and violently before their eyes—from the rice paddies of Vietnam to the streets of Birmingham and Chicago.

But in its best moments television stepped in to forge unity and consensus. It could unite the Nation in grief, as on the weekend of John Kennedy's death. Or it could unite people in laughter. "Rowan and Martin's Laugh-In" scored a great hit on NBC by holding up many of our most cherished institutions to ridicule; even Richard Nixon appeared on the show saying "Sock It To Me". A few years later, that became a rather prophetic remark.

The 1970's brought in the age of "relevance" in entertainment programming. In dramatic series, "The Bold Ones" showed a new breed of senator, lawyer and doctor challenging the old ways of doing things. NBC was the first network to introduce black performers as stars of their own TV series, with Bill Cosby in "I Spy" and Diahann Carroll in "Julia". And NBC's miniseries "Holocaust" stirred the conscience of millions by dramatizing the moral issue of genocide.

News took on an importance it never had in the days of 15-minute news casts by John Cameron Swayze. NBC lengthened its evening newscasts to half an hour, and the team of Chet Huntley and David Brinkley on NBC brought a new intelligence and wit to political reporting.

Since then, television has gone on serving the mood and need of the time. It can serve up something as trivial and zany as "Late Night With David Letterman". Or it can make gripping drama out of social issues on "L.A. Law", or in the docudrama "Roe vs. Wade".

With satellite transmission, miniaturized cameras and eletronic editing now commonplace, TV news is more capable than ever of bringing far-off reality into the living room. Last year we saw the Berlin Wall suddenly turned into "The Berlin Mall". East Germans were milling past the Brandenburg Gate for a look at freedom. It was a great moment . . . and our cameras were there. Even before the world's leaders had time to react, American viewers were sharing the euphoria as it was happening.

So, all in all, as we look back on this 50-Year affair between television and the public, we can say we've surmounted the hurdles. Televison networks and their hundreds of affiliated stations around the country such as NBC affiliates WRC-TV, Channel 4 in Washington and WHAG-TV Channel 25 in Hagertown that serve your area have engaged in a tireless effort to program to national and local tastes, and to bring audiences to advertisers.

The result has made the American system of free over-the-air televison the most successful in the world, and today we see many other nations emulating us—shifting from state control to free competition in broadcasting.

But the current decade, the decade of the nineties, presents a new kind of change that the networks have to deal with. It's a change not in public tastes, but in the marketplace. The competitive environment of the networks has been transformed by the growth of alternative ways of delivering television to the viewer.

In the space of just ten years, independent television stations have grown from 120 to more than 400. Cable penetration has expended from 21 to 56 percent of television homes. There are upwards of 30 very sizeable cable networks. VCR's comparatively rare ten years ago, are now in two out of every three homes. Video stores have become as prevalent as pizza parlors.

So the three major networks have become part of a much larger crowd competing for the viewer's attention. Ten years ago, a TV viewer had an average of 10 channels to choose from. Today it's more than 30. With so many more programming choices, it's natural that the networks' share of TV audience has eroded. The networks have lost nearly a quarter of their audience share since 1980. It's down to 65 percent today, likely to go lower.

When audience share goes down so does advertising revenue, and so do profits. ABC, CBS and NBC depend almost entirely on advertising income to pay for their programming. Cable on the other hand, can finance itself from two sources—subscription fees and advertising. That may be one reason why the total revenues of the cable industry now surpass those of all broadcast stations, and their cash flow is running more than double that of broadcasters.

Besides the competition for audience and ad revenues, these alternative media compete for program sources. It's now a seller's market in the sale of program rights and sports rights, and the price of getting something to put on a network schedule as gone sky high.

"The Cosby Show" for instance is great television, but is doesn't come cheap. NBC just signed that top-rated show for the 7th season. Shortly after we signed, one of the "Cosby" producers went out and bought the San Diego Padres.

Sports rights are through the roof and into the stratosphere. To get the 1992 Barcelona Summer Olympics, NBC is paying half a billion in rights and production costs. CBS paid an astounding $1.1 billion for major league baseball over the next four years.

And all that news coverage that everybody expects from the networks is a growing burden on the network budgets—not just the regular newscasts but the specials on everything from a space launch to a summit meeting. More has to be spent on satellite leasing and the high-tech hardware. NBC alone has lost close to half a billion dollars on its news operations over the last decade.

Increasing competition, a diminishing share of audience and ad revenues, rising costs—it all adds up to a very different world for the networks in the nineties—a much less friendly environment. What to do when you find yourself in a change situation? Adapt.

That's what NBC is doing. The peacock has always been an adaptable bird. Just as our programming has changed with the countless changes in public tastes over the years, so our business activity is reforming itself to the realities of the new marketplace.

First, we recognize a new role for our company. While our core business remains—and will remain—over-the-air networking, we see ourselves primarily as a programming company. In the spirit of the times, we recognize that there is not just one way of getting programming to the home screen. There are many ways. And, as for as regulations permit, we are trying to program for a variety of video services.

We also recognize that the traditional boundaries that separate one kind of media company from another are gone. In a media world that produces vertically-integrated combinations like Time-Warner and the Rupert Murdock empire, and Sony-Columbia, there are no hard-and-fast barriers.

So the peacock is growing some new feathers. We're not allowed under current regulations to get into some areas of the business many of our competitors are in, like syndication, financial interest in programs, cable system ownership. But we are branching out and trying to broaden our base.

We've taken major steps into the cable business. NBC has a programming partnership with one of the Nation's leading systems operators, Cablevision, Inc. We share an interest in 12 different cable program services. One of these is one we launched ourselves just one year ago—CNBC, the consumer news and business channel.

This network-cable marriage has opened some exciting new opportunities for service to the public. In Olympics coverage. Added to our free over-the-air coverage of 160 hours of the Barcelona games, we'll offer a package of 600 additional hours over several cable channels, on a pay-per-view basis, we think the Barcelona Olympics will be an eye opener to everybody on how broadcast and cable TV can enhance each other to viewer benefit.

Another example is a proposed venture into outer space, into the still unrealized realm of direct broadcast satellite. We've reached a tentative agreement with three partners to launch a DBS service in late 1993, and we're calling it sky cable. Sky cable would be different from previous ventures in DBS; it would beam from a satellite transmitter so powerful that as many as 108 channels can be received in the home on an antenna the size of a table napkin. The device could be bought for only about $400 dollars.

Just as we've crossed barriers to do business in cable and DBS, we're also venturing into new arrangements overseas—with visnews in the U.K., for added strength in world news coverage, and we've tied in with new broadcast affiliates in Australia and New Zealand.

None of this signifies an abandonment of NBC's traditional role in free over-the-air network service, our most important contribution to the life of America for five decades.

In today's vastly changed communications marketplace, it has become imperative to broaden our business base in order to preserve the health and viability of our basic network service.

We do have a number of disadvantages.

The networks, as some of you may know, are just about the only business in today's free-wheeling media world that are subject to heavy government regulation. Deregulation never happened for us, and as I noted a few moments ago, this bars us from some of the most profitable areas of television today.

Under what are called the financial interest and syndication rules, a network cannot share in the profits of a program after its network showing. It can't engage in syndication. And its right to produce its own programming has been severely limited. These measures were adopted 20 years ago, when the networks were thought to dominate the television market. Hollywood studios have an interest in keeping the rules in force, and so far their lobbying effort has prevailed.

Why should the public care whether the networks are freed of these regulations?

For one thing, it makes little sense to hamper the competitiveness of America's most important media companies at a time when foreign owners are free to move in and buy up chunks of our entertainment industry.

It seems absurd that Sony and Murdock are free to form vertically integrated structures and controlling both program production and distribution, and yet the three American network companies cannot do the same. There should be a level playing field for everyone.

The U.S. network system provides a unique grass-roots connection to local communities through affiliated stations. There is no other medium that provides this kind of local and national service to a mass audience. And there is no other medium that serves the economy so well as a mass marketing tool.

Finally, the networks help us to cohere as a nation. Through programs like "Roots" and "All In the Family" and "The Cosby Show", network viewing helps remind us that we are united in our diversity. It has been a force for tolerance, sympathy and understanding in modern America. Television news has helped us through some of our roughest and tensest moments as a nation.

With our society fractionalizing into ever smaller and more private worlds, there are fewer and fewer occasions that bring our country together. The Presidential elections is one of them. And simultanenous viewing of free over-the-air network television is another. It's hard these days to think of many more.

Whether it's something as serious as a speech from the White House or as breezy as a Bob Hope special, whether it's nightly news or a Super Bowl spectacular, it is a common experience that Americans everywhere can share.

Sharing in the good things is what makes this country great. In fact, it's what we're doing here today at the Shenandoah festival. I don't want to keep you any longer from the pleasures of the day, so I'll say thank you again for hearing me and for letting me be a part of this lovely occasion.

THE WEYMOUTH COUNCIL ON AGING: CELEBRATING 30 YEARS OF SERVICE TO THE COMMUNITY

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 1990

Mr. DONNELLY. Mr. Speaker, I rise today to pay a special tribute to the people of the Weymouth Council on Aging, of Weymouth, MA,

who today are celebrating the 30th anniversary of their creation.

The resolution creating the Weymouth Council on Aging was unanimously adopted at the annual town meeting in 1960. The council was formed to coordinate and carry out programs designed to meet the problems of the aging, in conjunction with the State Council on Aging. The 11 member council is made up of local elected officials and appointed residents of the town of Weymouth.

The Council on Aging provides numerous services to the senior citizens on the Weymouth community. It provides information and referral on existing programs, and offers outreach and counseling services to area seniors. It runs an Alzheimer's support group and health screening clinics. The council also coordinates transportation to various programs and locations in the community for area seniors. This service is particularly important because it allows senior citizens to retain their freedom and independence.

Mr. Speaker, these are just a few examples of the many important programs that the council has provided to the senior citizens of Weymouth during its first 30 years. It has been my great pleasure to work with the people of the Weymouth Council on Aging. I am confident that the council will continue to provide quality services to the Weymouth community for many years to come.

HABEAS CORPUS REVISION ACT OF 1990

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 1990

Mr. KASTENMEIER. Mr. Speaker, I am pleased today to introduce a bill that would revise the procedures by which State prisoners may seek habeas corpus relief in the Federal courts. Habeas corpus is an issue that has long been of interest to me, and to the Subcommittee on Courts, Intellectual Property, and the Administration of Justice, which I chair. My subcommittee will hold 2 days of hearings on the issue on May 16 and May 24.

A habeas corpus proceeding is the vehicle by which prisoners can obtain judicial review of the process that culminated in their incarceration. It has been a mainstay of our Nation's judicial system for more than a century. Over the course of the past two decades, habeas corpus litigation has given rise to an increasingly complex, confusing, and sometimes unfair body of law.

My bill recognizes that States and the American public have a legitimate interest in ensuring that this country's criminal laws are effectively enforced, that criminal cases move through the system efficiently and with appropriate speed, and that these cases be thoroughly considered and fairly decided.

There is virtual unanimity of opinion among interested observers that the time has now come for Congress to revisit and revise the habeas corpus laws, in particular as they relate to prisoners who have been sentenced to death. The efforts of several illustrious groups reflect the need to enhance the fairness and efficiency of these laws. The Powell Committee, composed of several esteemed Federal judges and chaired by retired Supreme Court Justice Lewis Powell, issued its report last fall. The full judicial conference reviewed and revised the Powell Committee's report, and made its recommendations early this year. An American Bar Association task force, comprised of representatives of all sectors of the legal community, held a series of hearings around the country, and reported its results last fall. In addition, there are several bills pending in both houses of Congress that would revise the habeas corpus rules in a variety of ways.

My bill accepts three major premises of these various proposals. First, the death penalty will continue to be imposed for certain crimes. Second, the Federal habeas corpus review process is an important part of our criminal justice system. Third, there are serious problems with the current process and it must be revised so that it is more efficient, expeditious, consistent, and fair.

None of the proposals will completely eliminate delay between a sentence of death and final review of that sentence. Delay is appropriate. No civilized society would want to impose a death sentence without knowing that it was fairly and fully considered and imposed. All of the proposals recognize, therefore, that while they will reduce delay somewhat, they will not eliminate it entirely.

These groups and individuals also agree that the Congress needs to address certain key issues and my bill does so. For example, current law does not sufficiently encourage timely initiation of habeas proceedings, so my bill provides a 1-year statute of limitations in capital cases.

In order to complete all appropriate stay and Federal review processes, prisoners facing death sentences must now seek stays of execution on a haphazard, case-by-case basis. To avoid these frenzied eleventh-hour efforts to obtain stays, my bill requires automatic stays until all review is completed.

It is in everyone's interest that all legitimate issues be raised and thoroughly aired as early in the process as possible. The bill therefore encourages the resolution of all claims in the trial courts, rather than through Federal habeas corpus proceedings. In particular, it clarifies the circumstances in which a prisoner will be deemed to have defaulted for failure to raise a claim in State proceedings. It promotes resolution of any remaining claims that are not resolved by the States in a single habeas proceeding, rather than by multiple petitions.

The bill dispenses with the requirement that a court certify appeals of denials of habeas petitions, since in capital cases these appeals are always appropriate.

The better the legal assistance in the first instance, the less need prisoners will have to later attack their convictions. The bill therefore creates a mechanism for the appointment of qualified counsel in capital cases. This provision not only makes judicial proceedings fairer, but it also conserves scarce judicial resources.

The other bills that are pending were introduced before all of the expert analysis on the habeas corpus issue had been completed. Some were introduced before the ABA task force reported, some before the full judicial conference acted, and some even before the Powell Committee issued its recommendations. My bill capitalizes on the collective wisdom of all of the groups and individuals that have studied habeas corpus law extensively. I believe that it is therefore the optimal proposal for a much needed revision of the law. I look forward to the hearings on May 16 and 24, and to a fair and prompt resolution of this complex issue.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Habeas Corpus Revision Act of 1990".

SEC. 2. LIMITATIONS PERIOD IN CAPITAL CASES.

Section 2254 of title 28, United States Code, is amended by adding after subsection (f) the following:

"(g)(1) In the case of an applicant under sentence of death, any application for habeas corpus relief under this section must be filed in the appropriate district court within one year from the following date, whichever is appropriate:

"(A) The date of denial of a writ of certiorari, if a petition for a writ of certiorari to the highest court of the State on direct appeal from the conviction and sentence is timely filed in the Supreme Court.

"(B) The date of issuance of the mandate of the highest court of the State on direct appeal from the conviction and sentence, if a petition for a writ of certiorari is not filed in the Supreme Court.

"(C) The date of issuance of the mandate of the Supreme Court, if on a petition of a writ of certiorari the Surpeme Court, upon consideration of the case, disposes of it in a manner that leaves the captial sentence undisturbed.

"(2) The time requirements established by this section shall be tolled—

"(A) during any period in which the applicant is not represented by counsel as described in section 8 of the Habeas Corpus Revision Act of 1990;

"(B) during the period from the date the applicant files an application for State postconviction relief until final disposition of the application by the State appellate courts and the Supreme Court, if all filing deadlines are met;

"(C) during any period authorized by law for the filing of any petitions for rehearing and similar petitions, if all filing deadlines are met; and

"(D) during an additional period not to exceed 90 days, if counsel moves for an extension in the district court that would have jurisdiction of a habeas corpus application and makes a showing of good cause.

"(3) The sanction for failure to comply with the time requirements established by this section shall be dismissal, except that the time requirements shall be waived if—

"(A) the applicant presents a colorable claim, not previously presented, of factual innocence or ineligibility for a capital sentence; or

"(B) other exceptional circumstances warrant a waiver.".

SEC. 3. STAYS OF EXECUTION IN CAPITAL CASES.

Section 2251 of title 28, United States Codes, is amended—

(1) by inserting "(a)(1)" before the first paragraph;

(2) by inserting "(2)" before the second paragraph; and

(3) by adding at the end the following:

"(b) In the case of an individual under sentence of death, a warrant or order setting an execution date shall be stayed upon application to any court that would have jurisdiction over an application for habeas corpus under this chapter. The stay shall be contingent upon reasonable diligence by the individual in pursuing relief with respect to such sentence and shall expire if—

"(1) the individual fails to apply for relief under this chapter within the time requirements established by section 2254(g) of this title;

"(2) upon completion of district court and court of appeals review under section 2254 of this title, the application is denied and—

"(A) the time for filing a petition for a writ of certiorari expires before a petition is filed;

"(B) a timely petition for a writ of certiorari is filed and the Supreme Court denies the petition;

"(C) a timely petition for a writ of certiorari is filed and, upon consideration of the case, the Supreme Court disposes of it in a manner that leaves the capital sentence undisturbed; or

"(3) before a court of competent jurisdiction, in the presence of counsel qualified under section 2257 of this title, and after being advised of the consequences of the decision, an individual waives the right to pursue relief under this chapter.".

SEC. 4. SUCCESSIVE PETITIONS IN CAPITAL CASES.

Section 2244(b) of title 28, United States Code, is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end the following:

"(2) In the case of an applicant under sentence of death, a second or successive application presenting a claim not previously presented by the applicant in an application under this chapter shall be dismissed unless—

"(A) the failure to raise the claim previously is—

"(i) the result of interference by State officials;

"(ii) the result of Supreme Court recognition of a new Federal right that is retroactively applicable; or

"(iii) the result of the discovery of facts that could not have been discovered previously by the exercise of reasonable diligence; or

"(B) the facts underlying the claim would be sufficient, if proven, to undermine the court's confidence in the applicant's guilt of the offense or offenses for which the capital sentence was imposed or the appropriateness of that sentence; or

"(C) consideration of the application is necessary to prevent a miscarriage of justice.

"(3) In the case of an applicant under sentence of death, a second or successive application under this chapter shall be dismissed unless the interests of justice would be served by reconsideration of the claim.".

SEC. 5. CERTIFICATES OF PROBABLE CAUSE.

The third paragraph of section 2253, title 28, United States Code, is amended to read as follows:

"An appeal may not be taken to the court of appeals from the final order in a habeas corpus proceeding where the detention complained of arises out of process issued by a State court, unless the justice or judge who rendered the order or a circuit justice or judge issues a certificate of probable cause. However, an applicant under sentence of death shall have a right of appeal without a certificate of probable cause, except after denial of a second application.".

SEC. 6. LAW APPLICABLE IN CHAPTER 153 PROCEEDINGS.

(a) IN GENERAL.—Chapter 153 of title 28, United States Code, is amended by adding at the end the following:

"§ 2256. Law applicable

"(a) Except as provided in subsection (b) of this section, each claim under this chapter shall be governed by the law existing on the date the court considers the claim.

"(b) The court may decline to apply a new rule if applying that new rule would—

"(1) fail to serve the purpose of the new rule;

"(2) upset State authorities' reasonable reliance on a different rule; and

"(3) seriously disrupt the administration of justice.

"(c) For purposes of this section, a new rule is a sharp break from precedent that positively changes the law from that governing at the time the claimant's sentence became final. A rule is not new merely because, based on precedent existing before the rule's announcement, it was susceptible to debate among reasonable minds.

"(d) For purposes of this section, a claimant's sentence becomes final at the conclusion of State court appellate and collateral litigation on the claimant's conviction and sentence and any direct review in the Supreme Court of the United States.' "

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 153 of title 28, United States Code, is amended by adding at the end the following:

"2256. Law applicable in Federal proceedings.".

SEC. 7. PROCEDURAL DEFAULT IN STATE COURT.

Section 2254 of title 28, United States Code, is amended by adding after the subsection added by section 2 of this Act the following:

"(h) A district court may decline to consider a claim under this section if—

"(1)(A) the applicant previously failed to raise the claim in State court at the time and in the manner prescribed by State law;

"(B) the State courts, for that reason refused to entertain the claim; and

"(C) such refusal would constitute an adequate and independent State law ground that would foreclosure direct review of the State court judgment in the Supreme Court of the United States; and

"(2) the applicant fails to show cause for the failure to raise the claim in State court and predjudice to the applicant's right to fair proceedings or to an accurate outcome resulting from the alleged violation of the Federal right asserted, or that failure to consider the claim would result in a miscarriage of justice.

"(3) For purposes of this subsection, cause is an explanation for procedural default not attributable to an intentional decision to ignore a State's procedural rules. An applicant may establish cause by showing that—

"(A) the factual or legal basis of the claim could not have been discovered by the exercise of reasonable diligence before the applicant could have raised the claim in State court, or was not discovered or asserted because the applicant's counsel failed to exerice reasonable diligence;

"(B) the claim relies on a retroactive proposition of law announced after the applicant might have raised the claim in State court;

"(C) the failure to raise the claim in State court was due to interference by State officials; or

"(D) the failure to raise the claim in State court was due to counsel's ineffective assistance in violation of the United States Constitution.".

SEC. 8. COUNSEL IN CAPITAL CASES.

(a) REQUIREMENT.—A State in which capital punishment may be imposed shall provide legal services to—

(1) indigents charged with offenses for which capital punishment is sought;

(2) indigents who have been sentenced to death and who seek appellate or collateral review in State court; and

(3) indigents who have been sentenced to death and who seek certiorari review in the United States Supreme Court.

(b) ESTABLISHMENT OF APPOINTING AUTHORITY.—The State shall establish an appointing authority, which shall be—

(1) a statewide defender organization, appointing staff attorneys, members of the private bar, or both; or

(2) a resource center, appointing staff attorneys, members of the private bar, or both.

(c) FUNCTIONS OF APPOINTING AUTHORITY.—The appointing authority shall—

(1) recruit attorneys qualified to be appointed in the proceedings specified in subsection (a);

(2) draft and annually publish rosters of qualified attorneys;

(3) draft and annually publish procedures by which attorneys are appointed and standards governing the qualifications and performance of counsel appointed; and such standards shall include—

(A) membership in the bar of the jurisdiction or admission to practice *pro hac vice*;

(B) knowledge and understanding of pertinent legal authorities regarding the issues in capital cases in general and any case to which an attorney is appointed in particular;

(C) skills in the management and conduct of negotiations and litigation in capital cases;

(D) skills in the investigation of capital cases, the background of clients, and the psychiatric history and current condition of clients;

(E) skills in trial advocacy, including the interrogation of defense witnesses, cross examination, and jury arguments;

(F) skills in legal research and in the writing of legal petitions, briefs, and memoranda; and

(G) skills in the analysis of legal issues bearing on capital cases;

(4) periodically review the rosters, monitor the performance of all attorneys appointed, and delete the name of any attorney who—

(A) fails satisfactorily to complete regular training programs on the representation of clients in capital cases;

(B) fails to meet performance standards in a case to which the attorney is appointed; or

(C) fails otherwise to demonstrate continuing competency to represent clients in capital cases;

(5) conduct or sponsor specialized training programs for attorneys representing capital clients;

(6) appoint two attorneys, lead counsel and cocounsel. to represent a client in a capital case at the relevant stage of proceedings, promptly upon receiving notice of the need for the appointment from the relevant State court; and

(7) report such appointment or the client's failure to accept counsel in writing to the court requesting the appointment.

(d) DETERMINATION OF COMPETENCY AND WAIVER.—Upon receipt of notice from the appointing authority that an individual entitled to the appointment of counsel under this section has declined to accept such an appointment, the court requesting the appointment shall conduct, or cause to be conducted, a hearing, at which the individual and counsel proposed to be appointed under this section shall be present, to determine the individual's competency to decline that appointment, and whether the individual has knowingly and intelligently declined it.

(e) ROSTERS.—

(1) IN GENERAL.—The appointing authority shall maintain two rosters of attorneys: one roster listing attorneys qualified to be appointed for the trial and sentencing stages of capital cases, the other listing attorneys qualified to be appointed for the appellate, collateral and certiorari stages. Each of the rosters shall be divided into two parts, one listing attorneys qualified to be appointed as lead counsel, the other listing attorneys qualified to be appointed as cocounsel.

(2) LEAD COUNSEL AT TRIAL OR SENTENCING STAGE.—An attorney qualified to be appointed lead counsel at the trial or sentencing stages shall.

(A) be a trial practitioner with at least 5 years of experience in the representation of criminal defendants in felony cases;

(B) have served as lead counsel or co-counsel at the trial or sentencing stages in at least 3 homicide cases tried to a jury and in at least one case in which a capital sentence was sought;

(C) be familiar with the law and practice in capital cases and with the trial and sentencing procedures in the relevant State;

(D) have completed, within one year prior to the appointment, at least one specialized training program in the representation of capital defendants at the trial or sentencing stages; and

(E) demonstrate the proficiency and commitment necessary to the provision of legal services to capital clients.

(3) CO-COUNSEL AT TRIAL OR SENTENCING STAGE.—An attorney qualified to be appointed co-counsel at the trial or sentencing stages shall—

(A) be a trial practitioner with at least 3 years of experience in the representation of criminal defendants in felony cases;

(B) have served as lead counsel or co-counsel at the trial or sentencing stages of at least 2 homicide cases tried to a jury; and

(C) meet the standards in paragraph (2) (C), (D), and (E) for lead counsel at the trial or sentencing stages.

(4) LEAD COUNSEL AT APPELLATE, COLLATERAL, OR CERTIORARI STAGE.—An attorney qualified to be appointed lead counsel at the appellate, collateral, or certiorari stages shall—

(A) be an appellate practitioner with at least 5 years of experience in the representation of criminal clients in felony cases at the appellate, collateral, or certiorari stages;

(B) have served as lead counsel or co-counsel at the appellate, collateral, or certiorari stages in at least 3 cases in which the client had been convicted of a homicide offense and in at least one case in which a capital sentence had been imposed;

(C) be familiar with the law and practice in capital cases and with the appellate, collateral, and certiorari procedures in the relevant State courts and the United States Supreme Court;

(D) have completed, within one year prior to the appointement, at least one specialized training program in the representation of capital clients at the appellate, collateral, and certiorari stages; and

(E) demonstrate the proficiency and commitment necessary to the provision of legal services to capital clients.

(5) CO-COUNSEL AT APPELLATE, COLLATERAL, OR CERTIORARI STAGE.—An attorney qualified to be appointed co-counsel at the appellate, collateral, or certiorari stages shall—

(A) be an appellate practitioner with at least 3 years of experience in the representation of criminal clients in felony cases at the appellate, collateral, or certiorari stages;

(B) have served as lead counsel or co-counsel at the appellate, collateral, or certiorari stages in at least 2 cases in which the client had been convicted of a homicide offense; and

(C) meet the standards in paragraph (4) (C), (D), and (E) for lead counsel at the appellate, collateral, or certiorari stages.

(f) APPOINTMENT OF NONROSTER ATTORNEYS IN CERTAIN CASES.—An attorney who is not listed on the relevant roster shall be appointed only on the request of the client concerned and in circumstances in which the attorney requested is able to provide the client with high quality legal representation and justice would be served by the appointment.

(g) PAYMENT OF ATTORNEYS FROM PRIVATE BAR.—

(1) IN GENERAL.—Attorneys appointed from the private bar shall be—

(A) compensated for actual time and service, computed on an hourly basis and at a reasonable rate in light of the attorney's qualifications and experience and the local market for legal representation in cases reflecting the complexity and responsibility of capital cases;

(B) reimbursed for expenses reasonably incurred in the representation of the client; and

(C) reimbursed for the costs of law clerks, paralegals, investigators, experts, or other support services reasonably needed in the representation of the client.

(2) COMPUTATION OF CERTAIN PAYMENTS.—Payments under subsection (g)(1)—

(A) with respect to law clerks and paralegals, shall be computed on an hourly basis reflecting the local market for such services; and

(B) with respect to investigators and experts, shall be commensurate with the schedule of fees paid by State authorities for such services.

(h) PROMPT PAYMENT OF ATTORNEYS FROM PRIVATE BAR.—Appointed attorneys from the private bar shall receive prompt payment for legal services and reimbursement for expenses and support services upon the submission of periodic bills, receipts, or other appropriate documentation to the appointing authority or other appropriate State agency. The appointing authority shall promptly resolve any disputes with respect to such bills. Attorneys appointed as staff counsel for a defender organization or resources center shall be entitled to the support services listed in subsection (g)(1) (B) and (C) at public expense.

(i) SANCTIONS.—

(1) IN GENERAL.—If—

(A) a State fails to provide counsel in a proceeding as required under this section; or

(B) such counsel fails to meet the performance standards established by the appointing authority; subsection (h) and section 2254(d) of title 28, United States Code, shall not apply with respect to such proceeding in a case under chapter 153 of title 28, United States Code.

(2) CHAPTER 153.—The court may in its discretion provide relief under chapter 153 of title 28, United States Code, with respect to any failure described in paragraph (1).

(3) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 153 of title 28, United States Code, is amended by adding after the item added by section 6 the following:

"2257. Counsel in capital cases.".

SEC. 9. EXHAUSTION OF STATE REMEDIES.

Section 2254 of title 28, United States Code, is amended by striking subsections (a) through (b) and inserting the following:

"(a) An individual may apply for a writ of habeas corpus under this chapter if the individual is in custody pursuant to a State court criminal conviction and sentence obtained in violation of the Constitution or laws or treaties of the United States.

"(b) A claim for relief under this section may be dismissed if the petitioner has failed to exhaust available and effective State court remedies before presenting the claim in Federal court. Any dismissal for failure to exhaust State court remedies shall be limited to a claim with respect to which currently available remedies have not been exhausted and shall be without prejudice to further application after such exhaustion.".

FESTA ITALIANA

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 1990

Mr. RINALDO. Mr. Speaker, over 20 million American citizens make up the Italian community throughout the United States, including many who live in my home State of New Jersey.

From one generation to the next, they have enriched our State's culture, social and business life, and strengthened their communities through many acts of public service.

For the 20th year, Italian-Americans in New Jersey will join together to celebrate their heritage at the Festa Italiana at the Garden State Arts Center. Italian food, music, art, dance, and artifacts will be on display as part of this 2-day festival on June 16 and 17.

It will attract thousands of residents of the Garden State and raise funds to enable senior citizens, the handicapped and disabled, veterans, and disadvantaged schoolchildren to attend dance and music performances at the Garden State Arts Center.

The Festa Italiana calls attention to the contributions and assimilation of millions of Italian-Americans in our society. As one of the largest ethnic groups in New Jersey, Italian-Americans have contributed to our State's rich heritage in education, medicine, science, business, the professions, the arts, and building trades.

Italian-Americans rank first in New Jersey with some 831,000 residents claiming to be born of Italian parents, according to the New Jersey State Data Center.

New Jersey is indeed proud that we have elected the first Italian-American as our Governor. A former Member of Congress, Governor James Florio proudly identifies himself as an Italian-American whose roots are a remind-

er of the efforts, sacrifices, and struggles of Italian immigrant families in becoming citizens of this country and in the success of their children and grandchildren in fulfilling the American dream.

In recognition of the achievements of Italian-Americans and of Christopher Columbus' discovery, Congress last year designated the month of October as "Italian-American Heritage Month." All across this Nation, festivals, concerts, and a celebration of the arts took place to honor the Italian-American people. As we approach the 500th anniversary of Columbus' historic journey to America, we take pride in our traditions and pass on our heritage to future generations.

The Festa Italiana on June 16 and 17 is due to the efforts of many Italian-American organizations in bringing together the skills, traditions, and creative talents of New Jersey residents who take pride in our State and in their Italian heritage.

I extend to the Festa Italiana committee men and women and the participating organizations my best wishes for another successful event that celebrates the accomplishments and history of Italian-Americans in the State of New Jersey.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, May 8, 1990, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 9

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To resume hearings on S. 1981, to permit the Bell Telephone Companies to conduct research on, design, and manufacture telecommunications equipment.
SR-253

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Governmental Affairs
Federal Services, Post Office, and Civil Service Subcommittee
To hold hearings to review the annual report of the U.S. Postmaster General.
SD-342

Small Business
To hold hearings to review the Small Business Administration small business investment companies program.
SR-428A

10:00 a.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Office of Management and Budget, and the Executive Office of the President.
SD-116

Environment and Public Works
Water Resources, Transportation, and Infrastructure Subcommittee
To hold hearings on proposed legislation authorizing funds for the highway trust fund and related Federal-aid highway programs and on highway policy issues.
SD-406

Foreign Relations
European Affairs Subcommittee
To hold hearings to examine the future of NATO's military policy, focusing on eastern Europe and the German reunification negotiations.
SD-419

Labor and Human Resources
To hold hearings on proposed legislation on homelessness prevention and community revitalization.
SD-430

2:00 p.m.
Armed Services
Strategic Forces and Nuclear Deterrence Subcommittee
To hold closed hearings on S. 2171, authorizing funds for fiscal year 1991 for military functions of the Department of Defense and to prescribe military personnel levels for fiscal year 1991, focusing on the Trident missile and submarine programs.
SR-222

Commerce, Science, and Transportation
To hold hearings in conjunction with the National Ocean Policy Study, on S. 1189, to establish the Office of Ocean and Coastal Zone Management and to require coastal States to implement coastal zone water quality improvement plans.
SR-253

MAY 10

8:30 a.m.
Office of Technology Assessment
Board Meeting, to consider pending business.
EF-100, Capitol

9:15 a.m.
Commerce, Science, and Transportation
To hold hearings on the nominations of Rear Admiral William J. Kime, to be Commandant, and Martin H. Daniell, Jr., to be Assistant Commandant, both of the United States Coast Guard.
SR-253

9:30 a.m.
Governmental Affairs
To hold hearings on S. 1951, to establish the Interagency Council on Science, Mathematics, and Technology Education.
SD-342

Rules and Administration
To hold hearings on proposed legislation authorizing funds for fiscal year 1991 for the Federal Election Commission, and to review Senate policy on official mail.
SR-301

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on land warfare.
SD-192

Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Veterans' Administration.
S-128, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the U.S. Coast Guard.
SD-138

Foreign Relations
To hold hearings on the nominations of Frank D. Yturria, of Texas, and Norton Stevens, of New York, each to be a member of the Board of Directors of the Inter-American Foundation.
SD-419

10:30 a.m.
Commerce, Science, and Transportation
Consumer Subcommittee
To resume hearings on S. 1400, to regulate interstate commerce by providing for a uniform product liability law.
SR-253

11:00 a.m.
Judiciary business meeting, to consider pending calendar business.
SD-226

2:00 p.m.
Armed Services
Strategic Forces and Nuclear Deterrence Subcommittee
To hold closed hearings on S. 2171, to authorize funds for fiscal year 1991 for military functions of the Department of Defense and to prescribe military personnel levels for fiscal year 1991, focusing on the B-2 low observability and counter-Stealth analyses.
S-407, Capitol

Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1991 for the National Transportation Safety Board.
SR-253

Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 1767, to reimburse Montana and individuals for expenses incurred to test cattle for brucellosis organisms carried outside Yellowstone National Park by elk and bison, S. 2343, to designate a segment of the Clarks Fork River in the State of Wyoming as a component of the National Wild and Scenic Rivers System, and H.R. 2809, to provide for the transfer of certain lands to the State of California.
SD-366

Foreign Relations
To hold hearings on the nomination of Alan P. Larson, of Virginia, to be the U.S. Representative to the Organization for Economic Cooperation and Development, with the rank of Ambassador.
SD-419

Select on Indian Affairs
To hold hearings on the nomination of Anthony J. Hope, of California, to be Chairman of the National Indian Gaming Commission, Department of the Interior.
SR-485

Select on Intelligence
To hold closed hearings on intelligence matters.
SH-219

2:30 p.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings to review the President's proposed budget request for fiscal year 1991 for the National Aeronautics and Space Administration [NASA], focusing on space science and applications.
SR-385

MAY 11

9:15 a.m.
Commerce, Science, and Transportation
To hold hearings on challenges facing the U.S., focusing on policies to foster competitiveness.
SR-253

9:30 a.m.
Armed Services
Projection Forces and Regional Defense Subcommittee
To resume hearings to examine possible approaches to naval arms control.
SD-430

Governmental Affairs
Federal Services, Post Office, and Civil Service Subcommittee
To hold hearings on the Airborne Self-Protection Jammer (ASPJ) weapons system.
SD-342

Veterans' Affairs
To hold hearings on S. 2483, to improve educational assistance programs for veterans, S. 2484, to improve the housing loan program for veterans, and veterans employment programs, including section 401 and 404(c) of S. 2100, Veterans Compensation Cost-of-Living Adjustment Act.
SR-418

Select on Indian Affairs
To hold oversight hearings on initiatives for Indian programs for the 1990s.
SH-216

10:00 a.m.
Judiciary
Constitution Subcommittee
To hold hearings on S. 1810, to authorize the Attorney General to conduct a pilot program within the Department of Justice to determine compliance with the Fair Housing Act.
SD-226

MAY 14

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for activities of the Secretary of the Interior, the Secretary of Energy, and the Secretary of Agriculture.
S-128, Capitol

2:00 p.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for fossil energy and clean coal technology programs of the Department of Energy.
S-128, Capitol

Select on Indian Affairs
To hold oversight hearings on S. 1021, to provide for the protection of Indian graves and burial grounds, and S. 1980, to provide for the repatriation of Native American group or cultural patrimony.
SR-485

MAY 15

9:00 a.m.
Governmental Affairs
Permanent Subcommittee on Investigations
To hold hearings to examine fraud and abuse in employer-sponsored health benefit plans.
SD-342

9:30 a.m.
Armed Services
Manpower and Personnel Subcommittee
To resume hearings on S. 2171, to authorize funds for fiscal year 1991 for military functions of the Department of Defense, and to prescribe military personnel levels for fiscal year 1991, focusing on medical programs of the Department of Defense.
SR-232A

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on seapower.
SD-192

Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Departments of Veterans Affairs, Housing and Urban Development, and independent agencies.
SD-138

Armed Services
Projection Forces and Regional Defense Subcommittee
To hold hearings on S. 2171, to authorize funds for fiscal year 1991 for the Department of Defense and to prescribe personnel levels for fiscal year 1991, focusing on the state and capabilities of the U.S. Marine Corps for special operations and low intensity conflict.
SR-222

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings to review commercial space programs.
SR-253

Energy and Natural Resources
To hold hearings on S. 2415, to encourage solar and geothermal power production by removing the size limitations contained in the Public Utility Regulatory Policies Act of 1978.
SD-366

Environment and Public Works
To hold hearings on proposed legislation to finance environmental protection facilities in small communities, including S. 1296, S. 1331, S. 2184, and S. 1514.
SD-406

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on population policy and resources.
SD-138

MAY 16

9:30 a.m.
Commerce, Science, and Transportation
Consumer Subcommittee
To hold hearings to examine environmental labeling of consumer products.
SR-253

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1991 for the Departments of Veterans Affairs, Housing and Urban Development, and independent agencies.
SD-138

2:00 p.m.
Armed Services
Strategic Forces and Nuclear Deterrence Subcommittee
To hold closed hearings on S. 2171, authorizing funds for military functions of the Department of Defense and to prescribe military personnel levels for fiscal year 1991, focusing on the space launch and command, control, communications and intelligence programs.
S-407, Capitol

Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on S. 2170, to prescribe the conditions under which contractors receiving operating-differential subsidy of their affiliates may engage in coastwise or intercoastal trade.
SR-253

MAY 17

9:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on space programs.
S-407, Capitol

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on semi-conductors and the future of the U.S. electronics industry.
SR-253

Veterans' Affairs
To hold hearings on titles I and III of S. 2100, Veterans Compensation Cost-of-Living Adjustment Act, S. 1887, to allow for Kentucky Vietnam veterans to receive a one-time bonus from the Commonwealth, S. 2454, to increase the estate limits for certain incompetent institutionalized veterans, S. 2482, to clarify the eligibility of certain minors for burial in national cemeteries and to authorize use of flat grave

markers in a section of Florida National Cemetery, S. 2102, to modify certain congressional reporting requirements imposed upon the Secretary of Veterans Affairs for certain administrative reorganizations within the Department of Veterans Affairs, and proposed legislation to expand radiation presumptions for veterans.
SR-418

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1991 for the Departments of Veterans Affairs, Housing and Urban Development, and independent agencies.
SD-138

2:00 p.m.
Armed Services
Strategic Forces and Nuclear Deterrence Subcommittee
To hold hearings on S. 2171, to authorize funds for fiscal year 1991 for military functions of the Department of Defense and to prescribe military personnel levels for fiscal year 1991, focusing on the Strategic Defense Initiative.
SD-628

Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 1852 and H.R. 3545, to revise the Chesapeake and Ohio Canal Development Act to make certain changes relating to the Chesapeake and Ohio Canal National Historical Park Commission, S. 1990, to establish the Cliff Walk National Historic Site, S. 2011 and H.R. 2843, to authorize the expansion of the Tumacacori National Monument, S. 2067 and H.R. 3834, to designate the route from Selma to Montgomery for study for potential addition to the National Trails System, S. 2072, to authorize a study of nationally significant places in American history, S. 2262, to designate segments of the Sudbury, Assabet, and Concord Rivers as a study area for inclusion in the National Wild and Scenic Rivers System, S. 2437, to authorize the acquisition of certain lands in Louisiana for inclusion in the Vicksburg National Military Park, and S. 2566, to redesignate the Sunset Crater National Monument as the Sunset Crater Volcano National Monument.
SD-366

MAY 22

9:00 a.m.
Appropriations
Defense Subcommittee
To hold closed hearings on proposed budget estimates for the Department of Defense, focusing on classified programs.
S-407, Capitol

9:30 a.m.
Armed Services
Projection Forces and Regional Defense Subcommittee
To hold hearings on S. 2171, to authorize funds for fiscal year 1991 for the Department of Defense and to prescribe military personnel levels for fiscal year 1991, focusing on the Navy shipbuilding and conversion program.
SR-222

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on the global environment.
SD-138

MAY 23

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings to review the Administration's technology policy and priorities.
SR-253

1:30 p.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Federal Deposit Insurance Corporation, the Resolution Trust Corporation, and the Office of Inspector General.
SD-138

2:30 p.m.
Armed Services
Strategic Forces and Nuclear Deterrence Subcommittee
To hold hearings on the Department of Energy national security budget request for fiscal year 1991.
SR-253

MAY 24

9:00 a.m.
Appropriations
Defense Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1991 for defense programs.
SD-192

9:30 a.m.
Commerce, Science, and Transportation
Foreign Commerce and Tourism Subcommittee
To hold hearings to examine ways to expand U.S. exports abroad.
SR-253

JUNE 5

9:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense.
SD-192

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on organization and accountability.
SD-138

JUNE 7

9:30 a.m.
Judiciary
To hold hearings to examine the effects on judicial nominees belonging to private clubs that discriminate.
SD-226

Veterans' Affairs
To hold oversight hearings on veterans prosthetics and special-disabilities programs.
SR-418

2:00 p.m.
Select on Indian Affairs
To hold oversight hearings to examine the Indian health service nurse shortage.
SR-485

JUNE 12

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings in conjunction with the National Ocean Policy Study on proposed legislation authorizing funds for the National Oceanic and Atmospheric Administration's satellite programs.
SR-253

Select on Ethics
To hold hearings on matters relating to the investigation involving Sen. Durenberger.
SH-216

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on eastern Europe.
SD-138

JUNE 13

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 2358, providing U.S. consumers the opportunity to enjoy the technological advancement in sound recording by use of digital audio tape recorders.
SR-253

JUNE 14

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings in conjunction with the National Ocean Policy Study on proposed legislation authorizing funds for the National Oceanic and Atmospheric Administration's ocean and coastal programs.
SR-253

Veterans' Affairs
To hold hearings on title II and section 402 of S. 2100, relating to veterans physician pay and health issues, S. 1860, to require the Secretary of Veterans Affairs to furnish outpatient medical services for any disability of a former prisoner of war, S. 2455, to provide for recovery by the U.S. of the cost of medical care and services furnished for a nonservice-connected disability, S. 2456, to extend expiring laws authorizing the Department of Veterans Affairs to contract for needed care and to revise authority to furnish outpatient dental care, and other proposed legislation.
SR-418

JUNE 19

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on U.S. military assistance.
SD-138

JUNE 20

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 1974, to require new televisions to have built in decoder circuitry designed to display closed-captioned television transmissions.
SR-253

JUNE 26

9:00 a.m.
Appropriations
Foreign Operations Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1991 for foreign assistance programs.
Room to be announced

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1991 for foreign assistance programs.
Room to be announced

JUNE 28

9:30 a.m.
Veterans' Affairs
Business meeting, to consider pending legislation relating to veterans compensation and health-care benefits.
SR-418

JULY 12

9:30 a.m.
Select on Indian Affairs
To hold hearings to examine protective services for Indian children, focusing on alcohol and substance abuse programs.
SR-485